

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**DETERMINATION OF DEVELOPMENT APPLICATION NO. 381-8-2003****(FILE NO.S03/02447 PT 1)****“BELLAGIO” - 2 TO 8 STOREY MIXED USE RESIDENTIAL BUILDING**

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, 2004

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- (14) To indicate other approvals required for the development; and
- (15) To ensure development occurs on the basis on which it was assessed.

Diane Beamer MP

Minister for Juvenile Justice

Minister for Western Sydney

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

Sydney,

2004

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

WAIVER OF MASTER PLAN UNDER SEPP 56 AND SREP 24

DEVELOPMENT APPLICATION NO. 381-8-2003

(FILE NO.S03/02447 PT 1)

“BELLAGIO” - 2 TO 8 STOREY MIXED USE RESIDENTIAL BUILDING

I, the Minister for Infrastructure and Planning, pursuant clause 11(2) of State Environmental Planning Policy No 56 - Sydney Harbour Foreshores and Tributaries and clause 16 (2) of Sydney Regional Environmental Plan 24 - Homebush Bay Area, hereby waive the requirement for a master plan in respect of Development Application No 381-8-2003.

Craig Knowles MP

Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

WAIVER OF MASTER PLAN UNDER SEPP 56 AND SREP 24

DEVELOPMENT APPLICATION NO. 381-8-2003

(FILE NO.S03/02447 PT 1)

“BELLAGIO” - 2 TO 8 STOREY MIXED USE RESIDENTIAL BUILDING

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), pursuant clause 11(2) of State Environmental Planning Policy No 56 - Sydney Harbour Foreshores and Tributaries and clause 16 (2) of Sydney Regional Environmental Plan 24 - Homebush Bay Area, hereby waiver the requirement for a master plan in respect of Development Application No 381-8-2003.

Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

PART A—TABLE

Application made by:	Bellagio Homebush Bay Pty Ltd Level 37 Chifley Tower, 2 Chifley Square, Sydney NSW 2000
Application made to:	Minister for Infrastructure and Planning
Development Application:	381-8-2003
On land comprising:	Lot 14, DP 270113 9 Baywater Drive, Homebush Bay NSW 2127
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$27,400,000
Type of development:	State Significant, Integrated Development
S.119 Public inquiry held:	No
BCA building class:	2, 5, 6 and 7
Approval Body / Bodies:	Waterways Authority
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. A letter will advise you of the effective date of commencement of this consent once you satisfy the relevant conditions in this consent.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 381-8-2003***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:

- (1) for a development application, within 12 months after the date on which the applicant received this notice.

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 on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act.

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).

Applicant means Bellagio Homebush Bay 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 No. 381-8-2003 means the development application and supporting documentation submitted by the applicant on 8 August 2003.

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).

SOPA means the 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. 381-8-2003

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

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

- (1) Construction of a two to eight storey mixed use residential apartment building comprised of 123 units, 17 commercial suites, 1 restaurant/café;
- (2) parking for 232 spaces;
- (3) 141 lot strata subdivision; plus
- (4) landscaping, associated site works, associated amenities and facilities.

A2 *Development in Accordance with Plans*

The development shall be generally in accordance with development application number DA No.381-8-2003 submitted by the applicant on 8 August 2003 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 Development Application Statement of Environmental Effects prepared by JBA Urban Planning, dated August 2003			
Architectural Drawings prepared by <i>Allen Jack and Cottier Architects</i>			
Drawing No.	Issue	Name of Plan	Date
DA-A-121	P	Level 01 PLAN	4.05.04
DA-A-122	P	Level 02 PLAN	4.05.04
DA-A-123	N	Level 03 PLAN	4.05.04
DA-A-124	N	Level 04 PLAN	4.05.04
DA-A-125	N	Level 05 PLAN	4.05.04
DA-A-126	N	Level 06 PLAN	4.05.04
DA-A-127	N	Level 07 PLAN	4.05.04
DA-A-128	N	Level 08 PLAN	4.05.04
DA-A-211	N	NORTH ELEVATIONS	4.05.04
DA-A-213	N	SOUTH ELEVATIONS	4.05.04
DA-A-212	N	EAST ELEVATIONS	4.05.04
DA-A-214	N	WEST ELEVATIONS	4.05.04

DA-A-311	N	SITE SECTIONS	4.05.04
Landscape Drawings prepared by Pittendrigh Shinkfield Bruce Pty Ltd.			
Drawing No.	Revision	Name of Plan	Date
SK01	1	LANDSCAPE PLAN LEVEL ONE	03.06.03
SK02	1	LANDSCAPE PLAN LEVEL THREE	03.06.03
Survey Drawings prepared by Roger Boxall and Associates Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
REF 6734	1	Site detail and levels	Submitted to DIPNR on 8 August 2003
Sample Board	Revision	Name	Date
Prepared by Allen Jack and Cottier	1	Bellagio	Submitted to DIPNR on 8 August 2003
Strata Plan (Prepared by Michael Lockley and Associates)	Drawing No.	Issue	
Sheet 2 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 4 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 5 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 6 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 7 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 8 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 9 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 10 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 11 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 12 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	
Sheet 13 of 13	Surveyors reference 12223/27007 Lot 14	F 1-8-03	

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 *Further Consents*

In accordance with Condition B13 of this consent, this consent does not extend to any land that is within 20m of the top of the existing sea wall or any works to adjacent footpaths or roadways. A separate development application(s) for these public domain works is necessary and should address embellishment, public access and dedication of the works to a public authority.

A5 *Prescribed Conditions*

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Design Modifications

- (1) In order to comply with condition B15 (4), units 411 and 745 are to achieve a minimum NATHERS rating of 3.5 stars.
- (2) Submit revised landscape plan for approval of Director that excludes all works within 20 metres of the foreshore and all works in the public right of way. Note: these works are subject of a separate Development Application
- (3) Submit revised strata plan showing revised parking entitlement for levels 1 and 2 (sheets 4, 5, 6 and 7 of Strata Plan prepared by Michael Lockley and Associates surveyors ref: 23323/27007- Lot 14) as per DA-A-121(issue N dated 30.03.2004) and DA-A-122 (issue N dated 30.03.2004) prepared by Allen Jack and Cottier.

Details shall be submitted to and approved by the Director prior to the issue of a Construction Certificate.

B2 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 Certifying Authority prior to the issue of a Construction Certificate.

B3 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 shall be finished in high quality materials and no service ducts or pipes are to be visible.

B4 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 a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Remediation / Demolition / Earthworks

B5 Acid Sulphate Soil Management Plan

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to and approved by the PCA.

B6 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction* (NSW Department of Housing, 1998.) Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Traffic & Parking

B7 Traffic Control Devices

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

B8 Number of Car Spaces

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

Car parking allocation	Number
Standard Residential Car parking spaces	173
Disabled Residential car spaces	12
Commercial Spaces (with at least 1 commercial car space to be a disabled space).	17
Restaurant Employee Spaces	2
Visitor Spaces	21
Disabled Visitor Spaces (Subject to condition E4)	4
Car Wash Bay	1
Service Vehicles	2
Motorbikes	18
Total	232

B9 Disabled Visitor Spaces

A minimum of 3 disabled car parking spaces are to be provided within the development.

B10 Number of Bicycle Spaces

A minimum of 15 bicycle spaces and 20 visitor bicycle spaces are to be provided for the development, as per details on Level 01 BEL-AR-DA-121 (issue P) and Level 02 BEL-AR-DA-122 (issue P).

B11 Number of Motorbike Spaces

A minimum of 18 motorbike spaces are to be provided for the development, as per details on Level 01 BEL-AR-DA-121 (issue P) and Level 02 BEL-AR-DA-122 (issue P).

B12 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*, with the exception of the height of spaces where storage cages are proposed above the bonnet area of cars. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall provide service vehicle spaces to accommodate small courier vehicles in the Level 1 carpark, of dimensions 3.4 wide by 6.4m length and 2.5 metre floor to ceiling height.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

Landscaping**B13 Landscape Plan**

A revised landscape plan incorporating the following:

- (1) Deletion of any works proposed on land within 20 metres of the top of the existing sea wall (the waterfront promenade);
- (2) The plan is to be designed in accordance with the intent of part 4.1.3 (iii) of the Draft Homebush Bay Development Control Plan (July 2003);
- (3) The plan is to contribute to water and stormwater efficiency in accordance with part 4.1.3 (iv) of the Draft Homebush Bay Development Control Plan (July 2003);

Is to be submitted to and approved by the Director prior to the issue of a Construction Certificate.

Ecologically Sustainable Development (ESD) – Residential**B14 NatHERS Rating – Multi-Unit Housing**

The following NatHERS rating requirements shall be complied with:

- (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 a Construction Certificate, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B15 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 Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B16 Clotheslines

The applicant shall submit to the Certifying Authority a plan showing and a written statement certifying that at least 20% of all units within the development will have a clothesline installed.

B17 Water Ratings

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

Health

B18 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall 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 shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B19 Design of Food Premises

The fitout of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance of proposed fitout with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the fitout.

Waste Management

B20 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 Council's Waste Management Policy and coordinate with the approved Waterfront Master Plan Waste Management Plan. Details are to be submitted to Council for comment 28 days prior to issue of Construction Certificate. The final Waste Management Plan, incorporating any comments from Council, is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Subdivision Works

B21 Stormwater and Drainage Works Design

Full details of stormwater and drainage shall be submitted to the Certifying Authority prior to issue of a Construction Certificate. The submission shall include documentary evidence that the plans are to the requirements of SOPA and Auburn Council. Any proposed connection to

Council's underground stormwater system will require the applicant to obtain agreement from Council.

The stormwater and drainage details shall include the following:

- (1) details of the connections to drainage systems for disposal and any necessary easements;
- (2) what measures will be undertaken to ensure that adjoining properties are not adversely affected by stormwater flowing from the development site;
- (3) any requirements of Sydney Water must be ascertained and complied with;
- (4) any requirements of Auburn Council must be ascertained and complied with; and
- (5) any requirements of SOPA and Auburn Council for the connection of stormwater to the Haslams Creek stormwater catchment area for water reclamation and recycling.

In obtaining the requirements and concurrence of the above agencies, those agencies may impose charges in relation to that advice and/or for the provision of technical specifications. Those charges are the responsibility of the applicant.

B22 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.

Sydney Olympic Park Authority

B23 Water Reclamation and Management Scheme (WRAMS)

Water reticulation works within the development site shall be designed with appropriate dual pipe work to enable future connection to the Sydney Olympic Park Authority's Water Reclamation and Management Scheme. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B24 Monetary Contributions

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

- (1) An amount of \$444,962 (\$3,617.58 per dwelling) is to be paid to Auburn Council for the provision of community services and facilities within the Homebush Bay West precinct and provision of traffic management works and infrastructure within the precinct and surrounding area. The full amount is to be paid prior to the issue of any Construction Certificate for above ground works and evidence of this payment is to be provided to the Department and Certifying Authority **unless**:

-
- (2) (a) The applicant enters into a Developer Agreement with Auburn Council to provide community services and facilities within the Homebush Bay West precinct and provide traffic management works and infrastructure within the precinct and surrounding area. The Developer Agreement may make provision for the required community services and facilities, traffic management works and infrastructure to be provided by the developer, or for the payment of monetary contributions, or both. The agreement may set out the timing for payment or completion of works. Evidence of such an agreement is to be submitted to the Department of Infrastructure, Planning and Natural Resources and the Certifying Authority prior to the issue of any Occupation Certificate for above ground works, **or**;
- (b) The applicant may elect to pay the relevant contribution in accordance with any new Section 94 Contributions Plan for the Homebush Bay West precinct prepared and adopted by the Council at the time of the issue of an Occupation Certificate(s). In this case, the applicant will make a part payment or lodge a Bank Guarantee, as agreed with Council, prior to the issue of the Construction Certificate and the remainder of the payment prior to issue of any Occupation Certificate. Evidence of agreement and part payment is to be submitted to the Department of Infrastructure, Planning and Natural Resources and the Certifying Authority prior to the issue of a Construction Certificate for above ground works. If Auburn Council has not prepared and adopted a new Section 94 Contributions Plan relating to the Homebush Bay West precinct prior to the issue of an Occupation Certificate, then the amount of \$444,962 (less any previous part payment) must be paid to Auburn Council, indexed in accordance with the Consumer Price Index on a quarterly basis.

The amounts referred to in this Condition will be indexed in accordance with the Consumer Price Index on a quarterly basis or as otherwise set out in an adopted s94 plan of Council.

The applicant is to provide written notification to the Department of Infrastructure, Planning and Natural Resources as to its chosen method of contribution and the Department of Infrastructure, Planning and Natural Resources is to approve of the chosen method prior to the issue of a Construction Certificate.

Compliance

B25 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.

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 (see also B6).

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) 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 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. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C9 *Site Audit*

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Compliance**C10 *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.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively 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 shall 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 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

D4 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.

D5 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

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- (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 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.

D7 *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.

D8 *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 Certifier based on the advice of a suitably qualified arborist.

D9 *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;
- (7) The site is hosed down when necessary; and
- (8) Wheel washes shall be installed for all vehicles exiting the site.

Noise and Vibration

D10 *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 approved in the Noise and Vibration management Plan or 3dB or less above the average

ambient noise level at the nearest residential receptor, otherwise 8.00am to 1.00pm;

- (3) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the hours of 8am to 5pm Mon to Fri and 8am to 1pm Saturday; and
- (4) 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.

D11 Construction Noise Objective

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

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.

D12 Construction Noise Management

The Applicant shall:

- (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 am to 12 pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9 am to 12 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.

D13 *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”

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

D14 *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.

D15 *Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics*

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required for further works can be considered in that area.

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

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

Ecologically Sustainable Development**D17 *Water Conservation***

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

Compliance**D18 *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.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION CERTIFICATE

Easements

E1 Access

Documentary evidence that easements will be created for access must be created 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*.

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 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) 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.

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 B9 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]).

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- (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 restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919.

E5 Remediation of Land

The Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the PCA. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

A satisfactory site audit shall be submitted to the PCA prior to the issue of the Subdivision Certificate.

E6 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 restrictive covenant placed on title pursuant to the *Conveyancing Act, 1919*.

E7 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 payment of Section 94 Contributions;
- (2) An Occupation Certificate; and
- (3) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 381-8-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent.

Section 94 contributions are to be paid prior to the issue of the Strata Subdivision Certificate.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Embellishment of Foreshore Land Within the Site

The adjacent foreshore strip will be embellished in accordance with approved DA plans subject to separate development consent. Footpaths and landscaping adjacent to the public way will be embellished in accordance with approved DA plans subject to separate development consent.

Design Verification Statement – Residential Flat Buildings

F2 Design Verification Statement

Prior to the issue of an Occupation Certificate, the Applicant shall 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*.

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.

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.

Traffic and Parking

G2 Loading and Unloading

With the exception of removalist/relocation vehicles and other vehicles taller than 2.1 metres, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 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. Over car bonnet storage containers for residents use are permitted above car parking spaces where indicated on the approved plans.

G4 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.

Noise

G5 Café/Restaurant Hours of operation

The Café will only be open to the public between the following hours outlined in the table below which includes any deliveries, waste removal or activities that generate 3db above background noise.

The hours of operation shall be restricted to between:

Day	Commencement time	Cessation time
Monday	7:00am	11:00pm
Tuesday	7:00am	11:00pm
Wednesday	7:00am	11:00pm
Thursday	7:00am	11:00pm
Friday	7:00am	11:00pm

Saturday	7:00am	11:00pm
Sunday	8:00am	11:00pm
Public Holidays	8:00am	11:00pm

G6 *Hours of operation for commercial suites*

Work hours are unlimited, except for deliveries and any audible activity (i.e. more than 3dB above the average ambient noise levels at the nearest residential receptor) which shall be subject to the following times:

Day	Commencement time	Cessation time
Monday	7:00am	9:00pm
Tuesday	7:00am	9:00pm
Wednesday	7:00am	9:00pm
Thursday	7:00am	9:00pm
Friday	7:00am	9:00pm
Saturday	8:00am	1:00pm
Sunday	No work	No work
Public Holidays	No work	No work

G7 *Noise Control – Commercial and Retail Premises*

The LA10 noise level emitted from the commercial or retail premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and by not more than 3db at 12 midnight to 7:00am at the boundary of any affected residence.

G8 *Noise Control – Plant and Machinery*

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

Hazardous Materials

G9 *Storage of Hazardous or Toxic Material*

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access***G10 Public Way to be Unobstructed***

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

Compliance***G11 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.

PART H—GENERAL TERMS

Waterways Authority

H1 *Part 3A Permit*

A Part 3A Permit would be issued for the proposed development provided the following general terms are met:

1. The works to which these general terms of approval apply are not to commence until such time as the Waterways Authority has issued a Part 3A Permit under the *Rivers and Foreshores Improvement Act 1948*.
2. The works are to be carried out so that:
 - (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of the Homebush Bay; and
 - (b) No materials are likely to be carried by natural forces to the bed, shore or waters of the Homebush Bay.
3. Any material that does enter the Homebush Bay must be removed immediately.
4. Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.
5. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant requirements.
6. The proposed erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as the site no longer acts as a source of sediment or pollution.
7. Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material.
8. A plan to manage erosion, sedimentation and other pollutants during demolition and construction works is to be prepared by suitably qualified person and submitted to the Waterways Authority prior to a Part 3A Permit being issued. In particular, the methods to be implemented to manage the possibility of materials entering the waters of the Homebush Bay.
9. Landscaping is to include a predominance of locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land. Consideration is to be given to providing species consistent with the proposed riparian plantings.
10. The sea wall is to be fully protected for the duration of the works.
11. No works are to be undertaken on land owned by the Waterways Authority (i.e. below MHW) without the relevant approvals being granted by the Authority.

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 a 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.

Development at 9 Baywater Drive will increase demand for potable water at Homebush Bay West. Developer funded amplification of water mains will be required, however if the main has already been constructed by another developer, the current proponent will need to reimburse the other developer.

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.

It would appear that due to significant developments within this area, that the existing 150mm Homebush Bay West Common Rising Main in Bennelong Road will need to be amplified. This amplification will need to be incorporated prior to major developments to the north of this site being undertaken. Modelling and possible redesign of the pressure sewer network may need to be carried out with the change in land use of this development.

Recycled Water

The above development area is regarded as an expansion opportunity for the Homebush WRAMS recycled water scheme. Therefore, to facilitate future connection to a recycled water supply, the subject development should allow for provision of correctly sized dual water reticulation systems including any required extensions or amplifications. Appropriate dual supply plumbing should also be provided internally within the development. All toilet flushing and irrigation connections are to be made to the recycled water system reticulation. All fire supply connections must be made to the potable water reticulation system.

Sydney Water advises DIPNR that it is currently developing servicing options for supplying recycled water from WRAMS to the new development areas (eg Rhodes Peninsula) in consultation with participating developers and relevant stakeholders. Issues of adequate recycled water supply will need to be considered. In the interim, potable water will be supplied to the development for use through the recycled water reticulation system. Potable water will be supplied at the potable water price set periodically by the Independent Pricing and Regulatory Tribunal.

The effect of development on Sydney Water's systems and infrastructure will be examined when applications for Section 73 Certificates are lodged by developers through a Water Servicing Co-Ordinator with Sydney Water. This assessment will enable Sydney Water to define any required works as a result of developer activity and to assess whether amplification and/or DSP Charges are applicable. Adjustments to existing Sydney Water systems resulting from developer activity will be on charge to the developer.

Contaminated Land

Note: As the proposed development is in proximity to contaminated land, water-related infrastructure design must account for any potential risk from soil or groundwater contaminants that may impact on the life of the asset, the quality of the water &/or wastewater, and the health & safety of maintenance personnel.

Sydney Water may require the installation of boreholes, to monitor the presence or future migration of any contaminated leachate or landfill gas.

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.

Landscaping Works

Note: In relation to any proposed landscaping, Sydney Water emphasises the potential for tree roots to cause damage to water and sewer pipes. There are a number of tree species which are of concern to Sydney Water because they have a significant biomass and/or invasive root systems, which can cause cracking or blockage of Sydney Water assets. Pipe damage in turn increases the risk of sewer overflows under certain weather conditions, and significantly increases maintenance costs to the water and sewer system.

If you have any queries or require further information, please contact the Development Coordination Branch of Sydney Water.

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 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 Maritime Services Act Approval

Under Section 13TA of the *Maritime Services Act 1935*, the applicant is to gain the prior written approval of the Waterways Authority to carry out any stormwater drainage works, excavate or remove soil, sand or other material, or remove a retaining wall, from land within a distance of ten metres from the high water mark. In these circumstances the applicant will be required to submit appropriate detailed information (including plans), which fully describes all the works proposed. Further detail on this approval can be obtained from the Property Services Branch of Waterways Authority (phone: 95638808).

AN5 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.

AN6 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
 - (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.

AN7 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.

AN8 Construction Inspections

Compliance certificate/s shall 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 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.

AN9 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.

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 shall 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 shall 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 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.

AN13 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. 381-8-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

AN14 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN15 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, and be approved by Auburn Council, prior to the occupation of the building(s) or commencement of the use.

If street numbers or changes to street numbers are required, a separate application shall be made to Council.