

DETERMINATION OF DEVELOPMENT APPLICATION NO. 522-12-2003

(FILE NO. S03/03712)

**SIX STOREY RESIDENTIAL FLAT BUILDING COMPRISING 38 RESIDENTIAL
UNITS, ASSOCIATED BASEMENT CARPARKING, LANDSCAPE WORKS,
DEMOLITION OF EXISTING STRUCTURES ON SITE, BULK EARTHWORKS,
AND STRATA SUBDIVISION**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 5 of *Sydney Regional Environmental Plan No 29 – Rhodes Peninsula*, 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 encourage good urban design and a high standard of architecture that is consistent with the vision for the Rhodes Peninsula,
2. To promote the orderly and ecologically sustainable use and development of this land,
3. To enhance the amenity of the local area,
4. To require the provision of a developer contribution due to an increase in the demand for public amenities and public services within the area
5. To encourage a vibrant community and safe public domain with active frontages along main streets,
6. To provide a high quality landscaping and planting within the public and private domain, and
7. To make a significant contribution to ecological sustainability through reduced energy requirements, particularly those of a non-renewable nature.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

DETERMINATION OF DEVELOPMENT APPLICATION NO. 522-12-2003

(FILE NO. S03/03712)

**SIX STOREY RESIDENTIAL FLAT BUILDING COMPRISING 38 RESIDENTIAL
UNITS, ASSOCIATED BASEMENT CARPARKING, LANDSCAPE WORKS,
DEMOLITION OF EXISTING STRUCTURES ON SITE, BULK EARTHWORKS,
AND STRATA SUBDIVISION**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 5 of *Sydney Regional Environmental Plan No 29 – Rhodes Peninsula*, 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 encourage good urban design and a high standard of architecture that is consistent with the vision for the Rhodes Peninsula,
- (2) To promote the orderly and ecologically sustainable use and development of this land,
- (3) To enhance the amenity of the local area,
- (4) To require the provision of a developer contribution due to an increase in the demand for public amenities and public services within the area
- (5) To encourage a vibrant community and safe public domain with active frontages along main streets,
- (6) To provide a high quality landscaping and planting within the public and private domain, and
- (7) To make a significant contribution to ecological sustainability through reduced energy requirements, particularly those of a non-renewable nature.

Diane Beamer MP

**Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)**

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Lakeshine Pty Ltd 1 Dorset Road Northbridge
Application made to:	Minister for Infrastructure and Planning
Development Application:	DA No.522-12-2003
On land comprising:	Lot 102 DP 624798 known as 29-33 Marquet Street Rhodes
For the carrying out of:	A residential flat building comprising a total of 38 units and 48 car spaces, excavation, bulk earthworks, and strata subdivision. Development described in Condition A2, Part A, Schedule 2
Estimated Cost of Works	\$8,320,400
Type of development:	Local Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	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: ▪ 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. 522-12-2003

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 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 Infrastructure, Planning, and Natural Resources at 20 Lee 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).

Applicant means Walker Group Constructions or any party acting upon this consent.

BCA means the Building Code of Australia.

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

Council means the City of Canada Bay Council.

DA No. 520-12-2003 means the development application and supporting documentation lodged with the Department by the Applicant on 22 December 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 or their nominees.

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

Disabled capable car parking space means those spaces identified in Condition E5 of this consent.

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).

Rhodes DCP means the *Renewing Rhodes Development Control Plan* produced by the Department and adopted in 2000.

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

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 522-12-2003

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

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

- (1) Demolition of an existing two-storey brick and concrete warehouse on the site;
- (2) Construction of a residential development comprising 38 units with a of total of no more than 3403.2 sqm of gross floor area;
- (3) Bulk earthworks;
- (4) Associated basement car parking and vehicular access, swimming pool and landscaping;
- (5) All ancillary services and infrastructure (drainage, hydraulics, waste, power);
- (6) Strata subdivision into 38 residential allotments associated parking and common areas.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number DA No 522-12-2003 submitted by the applicant on 23 December 2003, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects, including all appendices, entitled Residential Development of 29-33 Marquet Street, Rhodes, prepared by Planning Workshop Australia, dated December 2003.			
Architectural (or Design) Drawings prepared by Bates Smart Architects			
Drawing No.	Revision	Name of Plan	Date
AR DA 1-101		Existing site survey plan	December 2003
AR DA 2- 101	A	Basement floor plan	December 2003
AR DA 2-102	A	Level 00 floor plan	December 2003
AR DA 2-103	A	Level 01 floor plan	December 2003
AR DA 2-104	A	Level 02 Floor plan	December 2003
AR DA 2-105	A	Level 03 floor plan	December 2003
AR DA 2-106	A	Level 04 floor plan	December 2003
AR DA 2-107	A	Level 05 floor plan	December 2003
AR DA 2-108	A	Roof plan	December 2003
AR DA 4-101	A	Elevations	December 2003
AR DA 4-102	A	Elevations	December 2003
AR DA 6-101	A	Section AA	December 2003

Landscape Drawings prepared by City Plan Landscapes			
Drawing No.	Revision	Name of Plan	Date
L01		Indicative Plant schedule	October 2003
L02		Sections A and B	September 2003
L03		Sections D and C	September 2003
L04		Schedule of Trees	December 2003
Statement of Environmental Effects (including all appendices) prepared by Planning Workshop Australia (dated December 2003)			

A3 Prescribed Conditions

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

END OF PART A

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Additional Details and Design Modifications

In order to protect the public interest and ensure a good urban design outcome, additional details in regard to the following matters shall be submitted by the applicant to and approved by the Certifying Authority prior to the issue of a Construction Certificate for any works on the subject site:

- 1) A written statement from an accredited member of *The Association of Consultants in Access, Australia*, certifying that the construction plans are consistent with the requirements of the BCA and the Disability Discrimination Act 1992.
- 2) The Applicant shall demonstrate that the air conditioning units 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
- 3) The Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report 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.

B2 Public Domain

In order to provide a consistent public domain along Marquet Street that accords with the Rhodes DCP and Public Domain Technical Manual (PDTM), the applicant is to reconstruct and embellish that part of Marquet Street fronting the development site to the centre line of the road reserve. Design documents incorporating these works are to be lodged with Council for approval under s138 of the Roads Act 1933 prior to the issue of a Construction Certificate. Documents are to show (but not limited to) the following:

- a) thresholds on kerb cuts required by CI 4.1.1 of the Rhodes PDTM;
- b) the footpath materials identified in the PDTM;
- c) the footpath width;
- d) the planting types identified in CI 4.2.5 of the Rhodes DCP and consistent with other street plantings in the area,
- e) the landscape arrangement shown in CI 4.2.5 of the Rhodes DCP.

The reconstruction and embellishment of the footpath, landscaped verge and part road way is to be completed in accordance with the approved plans prior to the issue of an occupation certificate.

B3 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, shall be submitted by the applicant to and approved the Director prior to the issue of a Construction Certificate for any works. The sample board of materials and colours is to include, but not be limited to:

- (1) a technical report on the quality and application of the painted finish to the building, its longevity, and the maintenance schedule for painting, and
- (2) sample of alternative colours (and/or materials) proposed for the sliding sunscreens proposed for the western balconies of the subject development. The alternative colours are to contrast sufficiently to ensure that the otherwise unarticulated western façade contributes to an active and vibrant street frontage.

B4 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% on all facades. A report demonstrating compliance with the reflectivity coefficients is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B5 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.

B6 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. Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

B7 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction 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*.

Remediation / Demolition / Earthworks

B8 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.

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 buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

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

Traffic & Parking

B10 Traffic Control Devices

Traffic control devices shall be installed and shall be clearly visible at the upper threshold of the driveway. These devices should include, but not be limited to, signage at the interface of the public way and the car park exit, warning of pedestrians crossing and signals to warn pedestrians of cars exiting the site. Details of the type and location of this and other devices are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B11 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
Residential Car parking spaces	43
Number of residential car spaces <u>included above</u> capable of being disabled persons car parking spaces.	(1)
Number of residential car spaces to be disabled spaces and exclusive of Residential Car parking spaces (NB: These spaces are to be retained by the Owners Corporation as common property pursuant to Condition E6 of Part E)	1
Visitor	3
Car Wash Bay/Service vehicle	1
Total	48

B12 Number of Bicycle

At least 17 bicycle spaces shall be provided within the car parking level. Between 25%-50% of these bicycle spaces are to be consistent with Class 1 bicycle facility, with the remainder being a Class 2 bicycle facility as per Australian Standard AS2890.3: *Bicycle Parking Facilities*. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B13 Number of Motorcycle Spaces

At least 4 motorcycle spaces or an area of 5 sqm, shall be provided, in accordance with AS2890, within the car parking level. Details shall be submitted showing compliance with these requirements to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

B14 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*. All parking spaces are to be linemarked.

- (2) The layout of the service vehicle area shall allow access and parking of a vehicle of at least 6m length and 2.2m 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.

Ecologically Sustainable Development (ESD) – Residential

B15 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,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less 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.

B16 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 in accordance with condition B18). The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

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.

The development is to allow for future connection to a recycled water supply (i.e. WRAMS), including appropriate dual supply provided internally within the development to the requirements of Sydney Water and Sydney Olympic Park Authority.

B18 Clotheslines and Clothes Dryers

- (1) The Applicant shall 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) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 5 metres combined line length.
- (3) Based on the percentages shown in Column 1 for units with clotheslines installed, the Applicant shall install in any unit without a clothes line 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

Health

B19 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.

Waste Management

B20 Storage and Handling of Waste

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

Monetary Contributions and Contributions-in-lieu

B21 Monetary Contributions – Council

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

(1) Amount of Contribution

Contribution Category	Amount
Open Space	\$72,871.21
Community Facilities	\$71,655.84
Roads	\$38,393.04
TOTAL	\$182,920.09

(2) Timing and Method of Payment

The contribution shall 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 shall 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.

B22 Monetary Contributions- Other

In accordance with Division 6 of Part 4 of the Act and the Renewing Rhodes Contributions Framework, the Minister directs that the applicant pay the following monetary contributions:

(1) Contributions to be paid to the Department

Contribution Category	Amount
Community Liaison Officer	\$ 1,701.60
Transport management works in accordance with Rhodes TMP	\$87,780.95
Programs and studies (inc TMP review)	\$ 2,454.97
TOTAL payable to the Department	\$91,937.52

(2) Timing and Method of Payment

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

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

(3) Contribution to Rail Corp

To satisfy the requirements of CI 13 of SREP 29, evidence is to be provided prior to the issue of a Construction Certificate *for any part of the works*, that an agreement has been signed between Rail Corp and the Applicant for the payment of a monetary contribution for the upgrade of Rhodes Railway Station. The payment is to be in accordance with the Rhodes Contributions Framework, as follows:

Contribution Category	Amount
Monetary contribution to RailCorp	\$ 19,735.70

(4) Indexing

The above payments may be adjusted according to the relative change in the Consumer Price Index from the date of the Renewing Rhodes Contributions Framework.

B23 Long Service Levy

The Applicant must produce evidence of the payment of the levy, or the first instalment of the levy, pursuant to the *Building and Construction Industry Long Service Payments Act 1986*, to the Certifying Authority before issuing the Construction Certificate. The applicant is also to ensure that the plans are suitably endorsed. The levy or first instalment (as applicable), can be paid to Council, providing that a completed levy payment form accompanies the payment.

B24 Security Bonds – Satisfactory Completion of Works and Protection of the Public Way

Agreement is to be reached between the applicant and Canada Bay Council for payment of relevant landscape and roadworks bonds prior to the release of a Construction Certificate.

A Security Bond of \$1700 for the protection of all existing roadworks and civic infrastructure shall be deposited with the Council prior to the issue of a Construction Certificate. If any damage is caused to the existing roadworks and civic infrastructure, the Council shall deduct from the Security Bond the reasonable cost of replacement or rectification of the works

Subdivision Works**B25 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 > Building & Developing > Building & Renovating or telephone 13 20 92.

Compliance**B26 Compliance Reports**

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

Prior to the issue of a Certificate of Occupancy, the applicant shall also submit a compliance report confirming that the Gross Floor Area of the development as constructed does not exceed 3403.2 sqm.

END OF PART B

PART C—PRIOR TO COMMENCEMENT OF WORKS

Demolition Works

C1 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 1991 *The Demolition of Structures*. The work plans required by AS2601: 1991 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Excavation Works

C2 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

C3 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

C4 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. A copy of the final approved plan is to be submitted to the Department and Council. 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 and pedestrian management ;
- (4) noise and vibration management;
- (5) waste management ;
- (6) erosion and sediment control; and
- (7) flora and fauna management.

The Applicant shall submit a draft copy of the plan to Council and the Department. Any comments made by Council or the Department shall be addressed in the final plan prior to

submission to the PCA. The final plan is to include documentary evidence of all correspondence with Council and the Department and evidence of payment of relevant fees, contributions, bonds or charges levied by Council.

C5 *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;
- (4) pedestrian and traffic management methods; and
- (5) any comments made and approvals granted by Council.

The Applicant shall submit a draft copy of the plan to Council and the Department for Comment prior to submission to the PCA.

C6 *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,
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

The Applicant shall submit a draft copy of the plan to Council and the Department for Comment prior to submission to the PCA.

C7 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 Canada Bay Council's policy. The Applicant shall submit a copy of the plan to the Department and Council.

C8 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**C9 Removal of Hazardous Materials**

A site audit shall be undertaken by an authorised auditor and 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.

Compliance**C10 Compliance Report**

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

END OF PART C

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures during construction are to be consistent with the Construction Management Plan. The erosion and sediment control measures must 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. The applicant is to provide evidence of compliance.

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. A copy of this approval is to be submitted to the PCA.

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
- (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 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**D9 Hours of Work**

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

- (1) between 7:00 am and 5:00 pm, Mondays to Fridays inclusive;
- (2) between 7:00 am and 4:00 pm, Saturdays, if inaudible on residential premises, or between 8:00 am and 1:00 pm, Saturdays, if audible on residential premises;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

D10 Construction Noise Objective

The construction noise objective 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) not more than 20dB(A) over a construction period of four weeks or less;
- (2) not more than 10dB(A) for a construction period of greater than four weeks and not exceeding 26 weeks; and
- (3) not more than 5dB(A) for a construction period greater than 26 weeks.

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall 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.

D11 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) 9.00am to 12.00pm, 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.

D12 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.

D13 Vibration Management

Vibratory compactors must not be used closer than 15 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Heritage

D14 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.

D15 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 shall comply with any request made by the PWD to cease work for the purposes of archaeological recording.

Ecologically Sustainable Development

D16 Water Conservation

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

D17 Recycling of Building Materials

- (1) Any existing concrete of suitable volume of building materials, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.
- (2) Any existing building materials capable of being recycled shall be taken to an appropriate recycling location, in accordance with the construction management plan. Evidence of this having occurred is to be provided to the PCA.

Compliance

D18 Compliance Report

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

END OF PART D

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

Easements

E1 Access

Documentary easements 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 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.

At no cost to Council or the consent authority, the requirements specified above are to be made:

- (1) into a restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*, and
- (2) into a permanent sign that is visible at all exits from the car parking area, excluding fire stairs and individual unit entries.

E4 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 prior consent of the relevant consent authority.

These requirements are to be made, at no cost to Council or the consent authority, and a restrictive covenant placed on title pursuant to Section 88E of the *Conveyancing Act, 1919*.

E5 GFA Certification

Prior to the issue of a any subdivision certificates the applicant shall provide a certificate prepared by a registered surveyor that the Gross Floor Area of the completed building does not exceed 3403.2sqm measured in accordance with the definition specified in SREP 29 – Rhodes Peninsula.

Allocation**E6 Disabled Car Parking Spaces**

- (1) All car spaces in the car parking allocation table in this consent identified as “Disabled space exclusive of any residential car parking spaces” (that is, disabled car parking spaces) are to remain common property wholly within the ownership of the Owner’s Corporation of the subject site.
- (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 shall lease one disabled car parking space for exclusive use to that person subject to their being eligible for a Mobility Parking Scheme authority Type A or Type C. Information on the Mobility Parking Scheme is available from the Roads and Traffic Authority (*MPS: Details of the Mobility Parking Scheme* (Published by the Roads and Traffic Authority, March 2001)).
- (3) Any disabled car parking space not leased in accordance with the above shall be made available for disabled visitor parking.
- (4) 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*.

Costs**E7 Costs to be Borne by Applicant**

All costs associated with 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.

END OF PART E

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Design Verification Statement – Residential Flat Buildings

F1 Design Verification Statement

Prior to the issue of an Occupation Certificate, the Applicant shall submit to the 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

F2 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.

F3 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.

F4 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.

F5 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.

F6 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 prior to the issue of an Occupation Certificate.

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

F7 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.

F8 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.

Note: The development is to allow for future connection to a recycled water supply (i.e. WRAMS), including appropriate dual supply provided internally within the development to the requirements of Sydney Water and Sydney Olympic Park Authority.

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

F9 Energy Star and Water Rating Compliance

Prior to the issue of an Occupation Certificate, the applicant shall demonstrate compliance with conditions of development consent including those relating to energy star ratings and water ratings as outlined below.

- (1) NatHERS rating – Multi-Unit Housing
- (2) Energy Star Ratings
- (3) Water Ratings

F10 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.

END OF PART F

PART G—POST OCCUPATION

Fire Safety

G1 *Annual Fire Safety Certification*

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

Traffic and Parking

G2 *Loading and Unloading*

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 *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

G4 *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.

Public Access

G5 *Public Way to be Unobstructed*

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

Compliance

G6 *Compliance Report*

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

END OF PART G

ADVISORY NOTES

AN1 Sydney Water

An application shall be made to Sydney Water Corporation to obtain a Section 73 Compliance Certificate under the Sydney Water Act, 1994. 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.

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 Certifying Authority prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

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

AN4 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 Application for Hoardings and Scaffolding

Where relevant and necessary, 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) Structural certification prepared and signed by an suitably qualified practising structural engineer.

The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification 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) 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

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 shall comply with any request made by the PWD to cease work for the purposes of archaeological recording.

AN11 Excavation – Historical 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.

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 Other Details Required prior to Issue of Subdivision Certificate

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

- (1) Documentary evidence of the payment of the developer contribution(s) required by conditions in Part B,
- (2) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 427-9-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent.

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

Section 37 of the *Strata Titles (Freehold Development) Act, 1973* requires an application to be submitted to the consent authority 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. DA 522-12-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

AN16 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 street-numbering Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

END OF CONDITIONS