

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MAJOR PROJECT NO. 06\_0289**

**(FILE NO. S06/00907-1)**

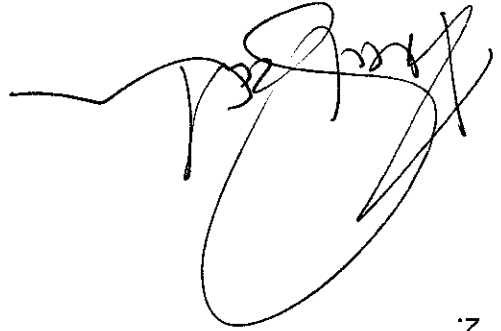
**5 TOWN HOUSES AND A RESIDENTIAL FLAT BUILDING CONTAINING 22**

**UNITS**

**2 SPURWAY STREET, ERMINGTON**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project referred to in the attached Director-General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix D and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.



**Frank Sartor MP  
Minister for Planning**

Sydney,

12<sup>th</sup> Dec 2007

**SCHEDULE 1**

**PART A—TABLE**

Stockland Development Pty Ltd	Application made by:
Minister for Planning	Application made to:
MP 06_0289	Major Project Application:
2 Spurway Street, Ermington Lot 1001 in DP No.1040571 and Lot 1009 in DP No.1066557	On land comprising:
Parramatta City	Local Government Area
5 Town Houses and associated Torrens title subdivision and 1 Residential Flat Building with 22 Units	For the carrying out of:
\$10,264,870.00	Estimated Cost of Works
Major Project	Type of development:
No	S.119 Public inquiry held:
	Determination made on:
5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.	Date approval is liable to lapse:

**PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0289**

**Responsibility for other consents / agreements**

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

**Appeals**

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Appeals—Third Party**

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Legal notices**

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

**PART C—DEFINITIONS**

In this approval,

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

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

*Council* means Parramatta City Council.

*CPI* means Consumer Price Index.

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**Department** means the Department of Planning or its successors.

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

**Environmental Assessment** means the Environmental Assessment prepared by Helen Mulcahy Urban Planning and dated April 2007.

**Minister** means the Minister for Planning.

**MP No. 06\_0289** means the Major Project described in the Proponent's Environmental Assessment.

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

**Proponent** means Stockland Development Pty Ltd or any party acting upon this approval.

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

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

**SCHEDULE 2**

**CONDITIONS OF APPROVAL**

**MAJOR PROJECT NO. 06\_0289**

**PART A—ADMINISTRATIVE CONDITIONS**

**A1 Development Description**

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

- (1) Development of 5 two-storey town houses, one with an attic room and all with off-street car parking and associated landscaping;
- (2) Torrens title subdivision of the town house lot to create 5 lots; and,
- (3) Development of a 3 storey residential flat building with partial mezzanine level containing 22 apartments and with off-street car parking for 30 cars and associated landscaping.

**A2 Development in Accordance with Plans**

The development will be undertaken in accordance with the Environmental Assessment dated April 2007 prepared by Helen Mulcahy Urban Planning including all Appendices and the following drawings:

Architectural (or Design) Drawings prepared by Turner + Associates at Appendix 1 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
DA 01	E	SITE ANALYSIS/LOCATION PLAN	17.09.07
DA 02	E	GROUND FLOOR PLAN	17.09.07
DA 03	E	FIRST FLOOR PLAN	17.09.07
DA 04	E	SECOND FLOOR PLAN	17.09.07
DA 05	E	ROOF PLAN	17.09.07
DA 06	E	WEST & EAST ELEVATIONS	17.09.07
DA 07	E	NORTH & SOUTH ELEVATIONS	17.09.07
DA 09	B	SHADOW DIAGRAM - WINTER	17.09.07
DA 01	D	SITE ANALYSIS/LOCATION PLAN	05.04.07
DA 02	D	BASEMENT FLOOR PLAN	05.04.07
DA 03	D	GROUND FLOOR PLAN	05.04.07
DA 04	D	LEVEL 01	05.04.07
DA 05	D	LEVEL 02	05.04.07
DA 06	D	LEVEL 03	05.04.07
DA 07	D	ROOF PLAN	05.04.07
DA 08	E	NORTH & WATERFRONT (SOUTH)	21.09.07

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above including the Statement of Commitments, the conditions of this approval prevail.

#### A4 Inconsistency between documents

- (1) Environmental Assessment Report prepared by Helen Mulcahy Urban Planning on behalf of Stockland Development Pty Ltd, dated April 2007;
- (2) Preferred Project Report prepared by Helen Mulcahy Urban Planning on behalf of Stockland Development Pty Ltd, dated September 2007;
- (3) The Statement of Commitments and prepared by Helen Mulcahy Urban Planning on behalf of Stockland Development Pty Ltd, dated September 2007;
- (4) BASIX Certificates contained in Appendix 12 to Environmental Assessment.

The development will be undertaken in accordance with the following documents:

#### A3 Development in Accordance with Documents

- (1) any modifications which are 'Exempt and Complying Development' as identified in Parramatta Local Environment Plan 2001 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

except for:

Drawing No.	Revision	Name of Plan	Date
<b>Survey Drawings prepared by Lockley Land Title Solutions at Appendix 8 of the Environmental Assessment</b>			
LWD 302	B	LANDSCAPE PLAN - PLAN LOT 01	11.04.07
LWD 303	B	LANDSCAPE PLAN - PLAN LOT 02	11.04.07
LWD 304	B	LANDSCAPE PLAN - PLAN LOT 03	11.04.07
LWD 305	B	LANDSCAPE PLAN - PLAN LOT 04	11.04.07
LWD 306	B	LANDSCAPE PLAN - PLAN LOT 05	11.04.07
LWD 180	B	COVERSHEET	05.04.07
LWD 182	A	LANDSCAPE SECTION	05.04.07
LWD 181	B	LANDSCAPE SITE PLAN	05.04.07
<b>Landscaping Drawings prepared by Context at Appendix 10 of the Environmental Assessment</b>			
DA 09	E	WEST & EAST ELEVATIONS	21.09.07
DA 10	E	SECTIONS	21.09.07
DA 11	A	SHADOW DIAGRAM (WINTER)	05.04.07
DA 12	A	PRECEDENT IMAGES & MATERIALS	05.04.07
DA 13	A	DEVELOPMENT SKETCHES	05.04.07
DA 14	B	PERSPECTIVE VIEWS	06.11.07
<b>U0052-54#</b>			
<b>PLAN OF SUBDIVISION OF LOT 35</b>			
<b>G</b>			
Drawing No.	Revision	Name of Plan	Date

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

## **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Design Details and Changes**

#### **B1 Design Modifications**

In order to improve compliance with the provisions of the Ermington Master Plan 2002, the design of the buildings shall be amended as follows:

- (1) The driveway entrance to the residential flat building shall be reduced from a 5 metre to a 3 metre wide crossing to comply with clause 9.11.2 the Ermington Master Plan 2002; and

- (2) The detached garage building of the corner town house shall be setback 3 metres and the driveway entrance shall be reduced to a 3 metre wide crossing to comply with clause 9.11.8 and clause 9.11.2 respectively of the Ermington Master Plan 2002.

Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

#### **B2 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 to and approved by the Certifying Authority prior to the issue of a Construction Certificate for above ground work.

#### **B3 Acoustics**

The interiors of the apartments and party walls separating each of the town houses are to comply with the standards set down in Australian Standard AS 2107: Acoustics. A report demonstrating compliance is to be submitted to and approved by the Certifying Authority prior to the issue of Construction Certificate.

#### **B4 Reflectivity**

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

#### **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 for above ground works.

**B6 Design Verification Statement – Residential Flat Buildings**

Prior to the issue of a Construction Certificate for above ground works, the Proponent 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.

**B7 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 for below ground works, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

**Remediation / Demolition / Earthworks**

**B8 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) and the recommendations of the report by URS dated 8 July 2002 and contained at Appendix 21 of the *Environmental Assessment*. The Management Plan shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

**B9 Erosion and Sedimentation Control**

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

**B10 Sedimentation Control and Adjoining Waterways**

Sediment controls, to ensure that sediment, fines and like material can enter the waterway or drainage system are to be in place for the duration of the works. The proponent is to carry out works generally in accordance with the Site Management Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent and regular intervals. Any deficiencies are to be immediately made good. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom.

**Construction Management**

**B11 Construction Management Plan**

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. 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 B12 below),
- (4) noise and vibration management (see also B13 below), and,

(5) erosion and sediment control (see also D1 & D2).

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

### **B12 Traffic & Pedestrian Management Plan**

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. 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.

No delivery or removal of materials is to be undertaken via the waterway. The Proponent shall submit a copy of the approved plan to the Department Council.

### **B13 Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. 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 approval,

(4) The construction vibration criteria specified in the conditions of this approval,

(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 approval.

(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 Proponent shall submit a copy of the approved plan to the Department and Council.

**Traffic & Parking**

**B14 Number of Bicycle Spaces**

A minimum of 22 bicycle spaces are to be provided for the residential flat building. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

**B15 Car Park and Service Vehicle Layout**

(1) The layout of the car park shall comply with Australian Standard AS 2890.1-2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.

(2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.

(3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

**Monetary Contributions and Contributions-in-lieu**

**B16 Monetary Contributions**

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

**(1) Amount of Contribution**

Contribution Item	Residential Flat Building – 12 units	Total
Traffic & Transport	12 x 434.98	5219.76
Open Space, Public Space & Recreation	0	0
Community & Cultural	12 x 344.09	4129.08
Other	12 x 5.41	64.92
Plan Management & Administration	12 x 454.46	5453.52
<b>Total for Development</b>		<b>14,867.28</b>

Note 1: There were Section 94 credits remaining for the subject site from DA 113-4-2002 which paid contributions for 68 dwellings. Subsequent MP05\_0084 approved 53 dwellings in this precinct which left 15 credits remaining for the subject site. Levying of Section 94 for the outstanding 12 dwellings forms the basis of this condition.

**(2) Timing and Method of Payment**

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

Evidence of the payment to Parramatta City Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the residential flat building.

**(3) Indexing**

The contributions for the residential flat building will be adjusted in accordance with the latest annual valuations.

The proponent will need a Section 73 Compliance Certificate from Sydney Water. The Certificate will confirm that the development meets Sydney Water's infrastructure requirements and payment of Sydney Water charges. The proponent must fund any adjustments to Sydney Water infrastructure as a result of the development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage servicing aspects of the development. Section 73 Certificate and any further Sydney Water requirements need to be met prior to the issue of a Construction Certificate.

For details please refer to Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

## **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 Proponent 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 BCA,
- (2) the relevant development approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

### **Utility and Other Services**

#### **C3 Stormwater and Drainage**

Stormwater and drainage connections shall be submitted to and approved by Council prior to the commencement of works.

#### **C4 Services to be Underground**

All services associated with the development are to be located underground and works associated with this are to be fully born by the proponent.

#### **C5 Contact Telephone Number**

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

#### **B17 Plan stamping by Sydney Water for new buildings**

## **PART D—DURING CONSTRUCTION**

### **Site Maintenance**

#### **D1 Erosion and Sediment Control**

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

#### **D2 Disposal of Seepage and Stormwater**

Any seepage or rainwater collected on-site during construction 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 including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

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

### **D6 Contact Telephone Number**

The Proponent 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.

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 Council.

**D7 Protection of Trees – Street Trees**

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

**Noise and Vibration**

**D9 Hours of Work**

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - (2) between 8:00 am and 1:00 pm, Saturdays;
  - (3) no work on Sundays and public holidays.
- Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) 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) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5<sup>th</sup> week to the 26<sup>th</sup> week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the Construction Noise and Vibration Management Plan. The Proponent 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 Proponent 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) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 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 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects**

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the Department of Conservation and Climate Change (DECC) and obtain any necessary approvals to continue the work. The Proponent shall

comply with any request made by the DECC to cease work for the purposes of archaeological recording.  
see monthly report addressing compliance with all relevant conditions of this Part.

## PART E—PRIOR TO SUBDIVISION

### Easements

#### E1 Services

Documentary easements for services, drainage, support and shelter 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*.

#### E2 Part 4A Certificate

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

## PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Design Verification Statement – Residential Flat Buildings

#### F1 Design Verification Statement

Prior to the issue of any Occupation Certificate, the Proponent 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*.

#### F2 Treatment of Vehicular Entry – Residential Flat Building

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.

### 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 any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval 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 approval authority initial Fire Safety Certificate is received.

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

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development approval 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 any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval 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 Signage**

All works/regulatory signposting associated with the development shall be carried out at no cost to the Roads and Traffic Authority.

**F8 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 Proponent/developer prior to the issue of any 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**

**F9 Registration of Easements**

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

**Sydney Water**

**F10 Sydney Water**

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://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.

## ADVISORY NOTES

### **AN1 Compliance Certificate, Water Supply Authority Act, 2000**

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

### **AN2 Requirements of Public Authorities for Connection to Services**

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

### **AN4 Application for Hoardings and Scaffolding**

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

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

The Proponent 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.

### **AN5 Use of Mobile Cranes**

The Proponent 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 an shall not be delivered to the site prior to 7:30am without the prior approval of Council.

**AN6 Movement of Trucks Transporting Waste Material**

The Proponent 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.

**AN7 Construction Inspections**

Compliance certificates 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 approval.

**AN8 Noise Generation**

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

**AN9 Other Details Required prior to Issue of Subdivision Certificate**

The Proponent shall submit to the satisfaction of the approval authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- (2) An Occupation Certificate, and
- (3) Documentary evidence that the property has been developed in accordance with plans approved by Major Project Application MP06\_0289 and of compliance (or a Compliance Certificate) with the conditions of that approval.

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 approval authority prior to occupation of the building.

**AN10 Remediation and Validation Report**

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

**AN11 Noise Generation**

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 Policy, prior to the occupation of the building(s) or commencement of the use.

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

**AN13 Stormwater drainage works or effluent systems**

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

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

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

**AN14 Temporary Structures**

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

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

**AN15 Disability Discrimination Act**

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

1. The development will be carried out generally in accordance with the plans and material submitted as part of this Environmental Assessment for Major Project No. 06\_0289, as described in:
  - (a) the Environmental Assessment Report prepared by Helen Mulcahy Urban Planning, dated April 2007;
  - (b) Architectural Drawings prepared by Turner + Associates;
  - (c) Landscape Plans prepared by Context; and
  - (d) Subdivision layout prepared by Lockley Land Title Solutions.
2. Stockland will ensure that all contractors engaged to carry out work are aware of the conditions of any consent issued and that these contractors will comply with all relevant conditions.
3. All works on site will be carried out in accordance with the processes and procedures set out in the Acid Sulphate Soils Management Plan prepared by URS and dated 8 July 2002.
4. An Environmental Management Plan for the Construction Works will be prepared in consultation with Parramatta City Council prior to the commencement of work on the site. The Plan will comprise:
  - (a) Sediment and Erosion Control Plan
  - (b) Construction Traffic Management Plan
  - (c) Waste Management Plan
  - (d) Noise and Vibration Management Plan
  - (e) Air Quality Plan
  - (f) Procedures for carrying out works in areas of potential Acid Sulphate Soil
  - (g) Community Consultation Plan
  - (h) Employee and Subcontractor Training Plan
5. The construction sites will be fenced in accordance with WorkCover requirements and access will be restricted to authorised persons. Appropriate signage will be installed in a prominent position on the site.
6. Any damage to public roads and road works caused by construction vehicles and activities will be rectified by and at the expense of the Developer, to the satisfaction of the relevant authority.
7. Hours of operation during the construction phase will be:
  - (a) 7.00am - 6.00pm Mondays to Fridays
  - (b) 8.00am - 3.30pm Saturdays
  - (c) No work on Sundays or Public Holidays
8. The developer will continue its consultation with the Ermington Residents Committee throughout the construction phase, in accordance with the protocols and procedures established under the existing development consents.

**SCHEDULE 3 - STATEMENT OF COMMITMENTS**  
**MP 06\_0289**  
**5 TOWN HOUSES AND A RESIDENTIAL FLAT BUILDING CONTAINING 22**  
**UNITS**  
**2 SPURWAY STREET, ERMINGTON**

9. The final road seal and street landscaping will implemented in a staged process to coincide with the staged construction delivery. This ensures that Council will receive a new road surface that has not been damaged by construction traffic.