

WAPOLI,

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF DEVELOPMENT APPLICATION No. DA 214-07-202  
FILE NO. S02/01389/1

CONSTRUCTION OF A RESIDENTIAL APARTMENT COMPLEX,  
19-25 BENNELONG ROAD, HOMEBUSH BAY

I, the Minister for Planning, pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 ("The Act"), and clause 10 of State Environmental Planning Policy No. 56 Sydney Harbour Foreshores and Tributaries, determine the development application referred to in Schedule 1 by granting consent to the application subject to the conditions of consent referred to in Schedule 2.

The reason for the imposition of the conditions is to minimise any adverse impact to the environment that the development may cause.



Andrew Refshauge  
Minister for Planning

Sydney

24 SEPT

2002

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Received JS  
@ Asian meeting  
1/5/03

**SCHEDULE 1**

**APPLICATION MADE BY:** Payce Properties Pty Limited

**TO:** The Minister for Planning

**DEVELOPMENT APPLICATION:** DA 214-07-2002

**SUBJECT LAND:** Part Lot 16 in DP 270113 (proposed Lots 8 & 9 in Master Plan consent DA114/98), 19-25 Bennelong Road, Homebush Bay

**PROPOSED DEVELOPMENT:** Erection of a part 3 and part 4 storey residential apartment complex comprising 64 residential units, 108 car parking spaces in a basement podium, landscaping and associated site works, and strata subdivision.

**BUILDING CODE OF AUSTRALIA BUILDING CLASSIFICATION:** Class 2 & 7

**DETERMINATION MADE ON:**

**DETERMINATION:** Consent is granted subject to the conditions in the attached Schedule 2.

**CONSENT COMMENCES FROM:**

**CONSENT LAPSES ON:**

**NOTES RELATING TO THE MINISTER'S DETERMINATION OF DEVELOPMENT  
APPLICATION No. 214-07-2002**

To ascertain the date upon which the consent becomes effective refer to section 83 of the Act.

To ascertain the date upon which the consent is liable to lapse refer to section 95 of the Act.

Section 97 of the Act confers upon an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

The applicant should ensure that all additional consents and agreements are obtained from other authorities, as relevant.

All reference to:

1. the consent authority means the Minister for Planning;
2. the Director General means the Director General of Planning;
3. the Director Urban Assessments means the Director of the Urban Assessments Branch of the Department of Planning;
4. the Council means Auburn Council;
5. the applicant means Payce Properties Pty Ltd or their successors; and
6. Master Plan consent means the Development Consent granted, in respect of land identified as No. 19-25 Bennelong Road, Homebush Bay, on 18 December 1998 and modified on 8 November 1999, 29 February 2000 and 9 May 2000.

Any advice or notice to the consent authority shall be served on the Director General of Planning.

### SCHEDULE 2

**General**

1. The development shall be generally in accordance with Development Application No. 214-07-2002 submitted to the Minister by Payce Properties Pty Limited, comprising:
  - Statement of Environmental Effects dated July 2002 prepared by JBA urban planning consultants and the accompanying appendices.
  - Architectural drawings prepared by JPR Architects Pty Ltd (Project No. 2001059):

Drawing	Revision	Title	Date
✓ DA100	E	SITE/LOCATION PLAN	
✓ DA200	H	BASEMENT FLOOR PLAN	07/01/02
✓ DA201	J	LEVEL 1 - GROUND FLOOR PLAN	18/12/01
✓ DA202	F	LEVEL 2 - FLOOR PLAN	18/12/01
✓ DA203	F	LEVEL 3 - FLOOR PLAN	18/12/01
✓ DA204	G	LEVEL 4 FLOOR + ROOF PLAN	18/12/01
✓ DA205	F	SECTIONS	18/12/01
✓ DA206	F	ELEVATIONS	18/12/01
✓ DA207	E	ELEVATIONS	18/12/01
✓ DA300	F	TYPICAL UNIT PLANS	18/12/01
✓ DA301	F	TYPICAL UNIT PLANS	18/12/01
✓ DA302	G	TYPICAL UNIT PLANS	18/12/01
✓ DA303	G	TYPICAL UNIT PLANS	18/12/01

- + DA 400 F, DA 501 C
- Landscape Plan, prepared by Context Landscape Designs:

Drawing	Issue	Title	Date
LSK01	B	COVER SHEET, SITE PLAN & PLANT SCHEDULE	June 2002
LSK02	D	LANDSCAPE CONCEPT PLAN, GROUND LEVEL	June 2002
LSK03	B	LANDSCAPE CONCEPT PLAN, LEVEL 4	June 2002
LSK04	B	LANDSCAPE DETAILS	June 2002
LSK05	B	LANDSCAPE SECTIONS	April 2002

- Strata subdivision plans drawn by Michael Roderick Lockley Surveyor, Surveyor's Reference: 23323/25916 SP LOTS 8 & 9, sheets 1-9, and dated 4 April 2002.
- Colours and Finishes as per coloured drawing DA206-F - ELEVATIONS, prepared by JPR Architects, and further detailed on page 13 of the SEE submitted by JBA urban planning consultants.

**As amended by the following conditions:**

2. All the following conditions shall be complied with to the satisfaction of the Principal Certifying Authority prior to the issue of Occupation Certificate.
3. The applicant shall comply with the prescribed conditions of development as per Section 98 of the EP & A Regulation 2000.
4. The applicant shall notify the Principal Certifying Authority for a final inspection on completion of work.

5. The applicant shall meet the statutory requirements of all public authorities having statutory responsibilities in respect of the development.
6. The applicant shall ensure that all contractors engaged to carry out work are aware of the conditions of this consent and that these contractors are able to comply with the conditions relevant to their work.
7. In the event of any inconsistency between the conditions of this consent and the documents referred to in Condition 1 above, the conditions of this consent will prevail.
8. The proposed works are carried out so that:
  - (i) no materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Homebush Bay; and
  - (ii) no materials are likely to be carried by natural forces to the bed, shore or waters of Homebush Bay.
9. Any material that enters Homebush Bay is to be removed immediately.
10. Any material that is to be stockpiled on site is to be stabilised to prevent erosion or dispersal of the material.

**Planning Issues**

**11. Contributions towards public reserves and open space (Section 94)**

- (a) In accordance with section 94 and 94A of the Environmental Planning and Assessment Act 1979, the Applicant shall pay a monetary contribution for development approved under the Master Plan consent, at the following rate:

Use	Rate per unit
One bed unit	\$954.54
Two bed unit	\$1,988.62
Three bed unit	\$2,784.07
Four bed unit	\$2,863.61

- (b) In respect of the proposal for development of Lots 8 & 9 (the site) the payment shall be \$115,260.47.
- (c) The purpose of the contribution is for the purchase and embellishment of district public reserves/open space required as a consequence of the development.
- (d) Payment of this contribution will be in 2 instalments. The first instalment shall be \$36,088.56 based on the rates of \$298.77/1 Bedroom Unit, \$622.74/2 Bedroom Unit, \$871.41/3 Bedroom Unit and \$896.31/ 4 Bedroom Unit and shall be paid prior to the release of any construction certificate for the subject development.

The second instalment shall be \$79,171.91 being the difference between the amount required to satisfy condition 17(b) above and the first instalment required by this condition, and shall be paid prior to the release of the Occupation Certificate for the subject site.

Both contributions shall be paid in the form of an unendorsed bank cheque made payable to Auburn Council, and lodged with Planning NSW, Urban Assessment unit, Sydney.

- (e) If the monetary contribution is paid after 30 June 2000 the amount of the monetary contribution specified shall be increased in accordance with the CPI (All groups Sydney) increases after the June 2000 quarter.

This condition has been imposed in respect of the provisions of Council's Section 94 Contributions Plan. This plan is available for inspection at Council's Customer Services Centre, 1 Queen Street, Auburn.

Reason: - To assist in the provision of amenities and services in the area.

12. Contributions towards public amenities and community services (Section 94)

A sum of \$65,947.20 is to be paid to Council for the purpose of public amenities and services and the administration of Council's Section 94 plan. The contribution applicable to each development lot shall be paid in the form of an unendorsed bank cheque for that amount, made payable to Auburn Council and lodged with the Department of Urban Affairs and Planning, prior to the Construction Certificate being issued for that development.

If the monetary contribution is paid after 30 June 2000 the amount of the monetary contribution specified shall be increased in accordance with the CPI (All groups Sydney) increases after the June 2000 quarter.

Reason - The contribution will be applied to the provisions of a district level community centre, a multipurpose community information centre at Homebush Bay, expansion and upgrade to the Auburn Central Library, Planning studies and a newcomers program at Homebush Bay required as a consequence of the development. This condition has been imposed in respect of the provisions of Council's Section 94 Contributions Plan. This plan is available for inspection at Council's Customer Services Centre, 1 Queen Street, Auburn.

13. Contributions towards upgrading of the intersection of Bennelong Road and Hill Road (Section 94)

A sum of \$2,603.52 is to be paid to Council for the purpose of upgrading the intersection of Bennelong Road and Hill Road. This contribution is based on the rate of \$40.68 per dwelling.

The contribution applicable to each development lot shall be paid in the form of an unendorsed bank cheque for that amount, made payable to Auburn Council and lodged with the Department of Urban Affairs and Planning, prior to the Construction Certificate being issued for that development.

If the monetary contribution is paid after 30 June 2000 the amount of the monetary contribution specified shall be increased in accordance with the CPI (All groups Sydney) increases after the June 2000 quarter.

Reason - The contribution will be applied to the provisions of upgrading the intersection of Hill Road and Bennelong Road to a two lane round-a-bout standard required as a consequence of the development. This condition has been imposed in respect of the provisions of Council's Section 94 Contributions Plan. This plan is available for inspection at Council's Customer Services Centre, 1 Queen Street, Auburn.

Pathway lighting/public domain

14. All publicly accessible pathways must be lit to a standard that satisfies all relevant Australian standards and be provided to satisfy peak evening demand. In this respect, the applicant is to install timer switches to ensure that the lighting is only available at relevant times.

Stormwater Disposal

15. All stormwater run off generated from the proposed development shall be in accordance with the Connell Wagner Master Plan Drainage Strategy Plan.

Reason: to prevent localised flooding.

16. Full stormwater drainage details showing the proposed method of stormwater collection and disposal for the subject property are to be submitted to Consent Authority or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate. The details are to be prepared by a suitably qualified practising Civil/Hydraulic Engineer and must be in accordance with "Australian Rainfall & Runoff 1987". The detail must show:
- (i) North point, bench marks and scales
  - (ii) Existing surface levels, in particular those levels along the common boundaries both within the subject and adjacent properties and including levels of adjacent footpaths and roads. These levels shall be indicated as spot levels and contours.
  - (iii) Pipe and pit sizes, pipe levels and grades and details of stormwater collection and disposal, which shall be designed for the 1 in 20 year ARI storm.
  - (iv) Proposed surface levels including finished floor levels.
  - (v) Location and reduced levels of overland flow by-passes for all storms of average recurrence interval greater than the 1 in 20 year and including storms of average recurrence interval of 1 in 100 years.

All levels are to be to Australian Height Datum (A.H.D) where applicable.

Receipt of such submission does not imply automatic approval. In the event that amplification of the existing or provision of new drainage lines is required, the applicant shall bear the cost of the provision of such facility and all works outside the property boundary.

Reason:- to ensure the stormwater is suitably discharged

17. Basement drainage is to comply with "Auburn development control plans 2000 stormwater drainage".

In this regard:

- (a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- (b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- (c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.

A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.

- (d) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.

- (e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- (f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

#### Works as Executed Plan

18. Prior to the issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Consent Authority. The W.A.E. Plan shall show:
- i) Whether all works have been completed generally in accordance with the approved drainage plans.
  - ii) Any departure from the approved plans and conditions.
  - iii) Any additional work that has been undertaken.
  - iv) Location, levels and sizes of pipes and pits.
  - v) Finished floor and finishes surface levels. The location of finished levels should in general correspond with those shown on the approved drainage plan.

(Note: The W.A.E. surface level shall be taken after all landscaping has been completed).

#### Building Services/finishes

- 19. Details of the design of any above ground fresh air intake and exhaust vents shall be submitted for Director General approval and be designed so that they are integrated into the building and not visually prominent when viewed from the Harbour.
- 20. Only one common television or similar aerial for the buildings is to be installed.
- 21. Service ducts shall be provided to keep external walls free of plumbing and other reticulated services.
- 22. Any external glazing shall have a reflectivity not exceeding 20%.

#### Traffic Management

- 23. Where vehicle entrances to the development cross pedestrian paths, a pedestrian crossing is to be constructed to provide pedestrian rights of way.
- 24. Vehicular entrances and exits shall be separated physically and sign posted so they are clearly visible to motorists entering or leaving the site.

#### Car Parking

- 25. Only those resident carparking spaces satisfying the requirements of AS2890 shall be permitted to be enclosed. In this regard, enclosed designated car spaces are to be used for the parking of vehicles and not used for the sole purpose of domestic storage.
- 26. Columns in carparking areas are to be located in accordance with AS 2890.1.



- 27. Visitor parking shall be clearly marked and signposted within the development ~~and shall not be located in a secure area~~. Suitable signs shall also be erected at the front of the property indicating the availability of visitor parking within the property. *Access control to be inst. in f of secure door. operated by individual unit owner*
- 28. Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided to the consent authority prior to the issue of the construction certificate.
- 29. An open service area measuring at least 7.5m x 3.0m is to be provided for use by the residents for car cleaning and washing activities. This area is to be suitably located, paved, graded and drained. *not located on driveway*  
 All waste water from the car wash bay shall be discharged to the sewer under a Trade Waste Agreement from Sydney Water. This may require the installation of a pre-treatment device. Alternate water management and disposal options may be appropriate where water is recycled, minimised or reused on the site.  
 The means of disposal shall comply with:-  
 a) EPA's Environment Protection Manual for Authorised Officers: technical section (Car Washing Waste)  
 b) EPA's Managing Urban Stormwater: treatment techniques.  
 Details are to be submitted with the application for a construction certificate.
- 30. All visitor and resident vehicles associated with the use of the premises shall be parked within the confines of the site at all times.
- 31. All vehicles must be driven in a forward direction at all times when entering or leaving the premises.
- 32. Suitable heavy-duty driveway crossings are to be installed at the entry/egress points to the property to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.
- 33. All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.
- 34. The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.1 metres.

BCA issues

Compliance with Building Code of Australia

- 35. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.

Time period of consent

- 36. This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Submission of construction certificate

37. Site works are not to commence until such time that a construction certificate for the proposed works has been issued by the Consent Authority or an Accredited Certifier.

(NOTE: Where an Accredited Certifier issues a construction certificate, a copy of the following document(s) must be forwarded to the Consent Authority within 7 days of issue, determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate)

Reason: - to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act and Clause 79D of the Environmental Planning and Assessment Act Regulation.

Appointment of Principal Certifying Authority/Notice of Commencement of Work

38. Site works are not to commence until the person having the benefit of the development consent:
- i) has been issued with a construction certificate (by the Consent Authority or an accredited certifier);
  - ii) has appointed a principal certifying authority (the Consent Authority or an accredited certifier);
  - iii) has notified the Consent Authority of the appointment; and
  - iii) has given at least 2 days notice to the Consent Authority of the person's intention to commence the erection of the building.

NOTE: Should the applicant nominate an accredited certifier as the PCA, it will be necessary to return the completed "Notice of appointment of a principal certifying authority" form to the Consent Authority, as required by items (ii) and (iv) above.

Principal Certifying Authority

39. An accredited certifier who has been appointed as a principal certifying authority must not be replaced by another accredited certifier except with the approval of the relevant accreditation body.

A replacement principal certifying authority must ensure that notice of his or her appointment, together with the relevant accreditation body's approval of the appointment, is given to the Consent Authority within 2 days of the appointment.

Servicing

40. The approved development application plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped.
41. Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the Principal Certifying Authority (the Consent Authority or accredited certifier) prior to the issue of the construction certificate.

NOTE: Prior to works commencing, the applicant is advised to contact each provider to determine the location of various services to avoid damage occurring.

Conditions Relating to Construction Management

Construction/demolition hours

42. Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 1.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place outside these hours or on Sundays or public holidays unless the applicant has submitted for Director-General approval, details of why any activity need to take place outside of the above hours and includes an assessment of the impact of this construction on adjoining residences.

Further, the use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.

43. The following items must not be placed on the footpath, roadway or nature strip at any time:
- a) Building materials, sand, waste materials or construction equipment;
  - b) Bulk bins/waste skips/containers; or
  - c) Other items that may cause a hazard to pedestrians.
44. A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
45. Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:
- have a hinged door capable of being fastened from both inside and outside,
  - be constructed of weatherproof material,
  - have a rigid and impervious floor; and
  - have a receptacle for, and supply of, deodorising fluid.
46. Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.
- A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.
- Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
47. Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project.
- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

48. A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the Soil and Water Management Plan, prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

#### Access

##### Disabled Access and facilities

49. Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of Part D3 and F2 of the Building Code of Australia and AS1428.1 (Design for Access & Mobility - General requirements), AS1428.4 (Tactile Indicators) and 2890.1 (Carparking). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.

##### The Commonwealth Disability Discrimination Act

50. The Commonwealth Disability Discrimination Act 1992, may apply to this particular proposal. Submission and/or approval of this application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.

##### Information required prior to the issue of construction certificate

51. The following documentation (where applicable) is to be submitted to the Consent Authority or the accredited certifier, prior to the granting of the construction certificate:
- (a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
  - (b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (not applicable to dwellings or outbuildings)
  - (c) A report prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to

- adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
- (d) Method of protecting window/door openings as required by BCA Part 3.
  - (e) Method of ventilating the basement carpark. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Carparking, will be achieved).
  - (f) Compliance with AS 2890.1 including the width of garage spaces in relation to proposed enclosed cages.
  - (g) Evidence, in the form of a Building Code of Australia Report, is to confirm that the proposed cages to the garage will not reduce egress to the exit doors.
52. The following structural engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (the Consent Authority or accredited certifier) prior to the issue of the construction certificate:
- a) reinforced concrete strip footings.
  - b) reinforced concrete raft slab.
  - c) suspended reinforced concrete slabs.
  - d) structural steelwork.
  - e) structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".
  - f) retaining walls.
  - g) roof trusses.
53. The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with the approval and the relevant standards of construction.

Documentary evidence of compliance with the approval and relevant standards of construction, is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of the approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

#### ADVISORY NOTE

The following inspections (as applicable to the development), must be arranged:

- a) The pier holes before they are filled with concrete.
- b) The foundation material prior to covering.
- c) The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).
- d) Wet areas including balconies prior to filling.
- e) The framework including roof members when completed and prior to the fixing of any internal sheets.
- f) Detention tanks and pits
- g) Fire resisting construction before concealment.
- h) Pool excavation/reinforcing steel (for Inground pools)

- i) The swimming pool safety fence prior to filling the pool with water.
  - j) Final inspection
54. A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority detailing compliance with the approval at the following stage/s of construction:
- (Setbacks and levels at commencement – new dwellings)
- (a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- (Setbacks and levels at completion – new dwellings)
- (b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

#### Engineering design – basement excavation

55. The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (the Consent Authority or accredited certifier) prior to the issuing of a construction certificate:
- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.

#### Excavations extending below the base of footings of adjoining development

56. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

#### Dilapidation report - prior to excavation of basement

57. A dilapidation report prepared by a professional engineer or suitably qualified building professional shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works.

The report shall detail the current condition and status of all buildings, including ancillary structures (i.e. including, residential flat buildings, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Consent Authority and to the owners of each of the abovestated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

#### Fire Safety

##### Final fire safety certificate

58. Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (the Consent Authority or Accredited Certifier) & Auburn Council, a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

- (a) has been assessed by a properly qualified person, and
- (b) was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES:

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:
  - (i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - (ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Annual fire safety statement

59. The owner of any building in which fire safety measures are installed, must cause the Consent Authority & Auburn Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:

- (a) that each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- (b) that a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:
  - (i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - (ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Fire safety notices

60. The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of "Offences relating to fire exits". The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Smoke detection/alarm systems – Class 2 buildings

61. The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the construction certificate.

Exit doors installed in the path of travel

62. A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

Bollards outside exit doors

63. Where exit doors open onto driveway, loading docks or similar areas, bollards shall be placed at either side of the door opening to prevent obstruction of the exit.

Termite protection

64. Where a primary building element in a building may be subject to attack by termites, those members will need to be protected in accordance with Clause 3.1.3.0 of the Building Code of Australia. Satisfactory compliance with this requirement is achieved by applying a preventative treatment in accordance with AS 3660.1-2000. Where a patented method of physical protection or chemical treatment is carried out, a certificate shall be submitted to The Principal Certifying Authority from the installer/pest control firm indicating that the protection used complies with AS 3660.1-2000 and the Building Code of Australia. This certificate shall be forwarded to The Principal Certifying Authority prior to the pouring of any slab on ground or prior to a bearers and joist inspection. Where an alternative method of treatment is proposed, it is to be provided in accordance with the requirements of Clause 3.1.3 and Clause P2.1 in Section 2 of the Building Code of Australia. Details of any proposed performance based compliance system must be submitted to The Principal Certifying Authority for approval.

A durable notice must be permanently fixed to the building in a prominent location regarding the installation of termite barriers, such as in a meter box or the like indicating:-

- (i) the method of protection; and
- (ii) the date of installation of the system; and
- (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- (iv) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.



- 65. A works-as-executed fire services plan is to be submitted to the Consent Authority & Auburn Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.
- 66. The proposed building has been assessed by the Consent Authority under the provisions of the Building Code of Australia as a Class 2, 7 building having a rise of 4 storeys. The building is required to be constructed in Type A fire resistant construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Table 3 of the Building Code of Australia.
- 67. Where structural reinforced concrete members are required to have a fire resistance rating, the approved practising Structural Engineer shall certify that the requirements of the relevant SAA prestressed concrete code and/or SAA Concrete Structures Code have been satisfied.
- 68. Each fire isolated stair must provide independent egress from each storey served and discharge directly by way of its own fire isolated passageway to a road or open space or into a covered area that provides an unimpeded path of travel from the point of discharge to the road or open space of not more than 6.0m in accordance with D1.7 of the Building Code of Australia.

**Final Compliance Certificate**

- 69. A compliance certificate shall be issued by the Principal Certifying Authority (if Council has not been nominated as the PCA) confirming that the development has generally been completed in accordance with all conditions of the development consent, construction certificate, approved plans and specifications.

**Submission of compliance certificates or other documentary evidence**

- 70. A compliance certificate or certificate from an appropriately qualified person shall be submitted to the Principal Certifying Authority (the Consent Authority or accredited certifier) confirming that the following aspects of the development have been generally completed in accordance with the requirements of the Building Code of Australia and referenced standard:
  - a) Protection from termites
  - b) smoke management/smoke alarm system
  - c) waterproofing in the bathroom, laundries and the like
  - d) glazing in buildings
  - e) fire rated and/or acoustic construction
  - f) mechanical ventilation
  - g) structural elements
  - h) all essential services and other fire safety measures

The certificates shall be submitted to the PCA prior to occupation of the building.

**Occupation Certificate**

- 71. A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (the Consent Authority or an accredited certifier) using the approved form.

- 72. Upon completion and prior to occupation of the building, a certificate from a practising Structural Engineer shall be submitted to the Consent Authority certifying that the building has been erected

in accordance with the approved structural drawing and is structurally adequate for the loads imposed.

73. A qualified practising Civil or Structural Engineer shall certify that the driveways, parking bays and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the occupation of the site.

#### Subdivision conditions

74. Documentary easements for access must be created over the appropriate lots in the subdivision to provide access to Unit occupancies, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the Conveyancing Act 1919.
75. Documentary easements for services, drainage, 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 (where relevant), must be created over the appropriate lots in the subdivision pursuant to Section 88B of the Conveyancing Act 1919.
76. A separate application is to be submitted to the PCA to approve the final plan of subdivision in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.
77. Prior to issue of a Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a (Subdivider) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the consent authority.

Note: Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements from Sydney Water. Early advice from Sydney Water will avoid problems in providing water and sewerage services to your development and adverse impacts on building.

78. The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior consent of the approval body.

#### Water Conservation

79. In accordance with water conservation practices encouraged by Sydney Water, you are required to adhere to ecologically sustainable principles in water management planning and building design. This typically involves the use of recycled water (for toilet flushing and irrigating purposes to integrate with servicing strategies), installation of water efficient appliances and fittings such as dual flush toilet suites, AAA rated showerheads and washing machines, and flow regulators in kitchen and bathroom taps. Landscaping practices that save water and conserve the environment would involve the use of native plants, and the avoidance of chemicals (garden pesticides) that are detrimental to wastewater streams and have adverse impacts on water recycling processes.

Conceptually, recycled water infrastructure could be potentially routed from Hill Road via the East-West Boulevard to Lots 8 & 9, and at the same time provision for connection to the recycled water pipeline could be made for the future development on Lot 10 through Lot 13 inclusive.