

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2008/0802

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Humel Architects Pty Ltd

Applicant Address: PO Box 1666 Dee Why, NSW 2099

Land to be developed (Address): Lot 2641 DP 752038 & Lot 2026 DP 752038, Lot 1/ Veterans Parade, Wheeler Heights.

Proposed Development: Demolition of the existing 34 dwellings and the re-construction of 34 new dwellings in Cutler Village at the RSL War Veterans Village.

DETERMINATION

Made on (Date): 9 December 2009

Consent to operate from (Date): 4 January 2010

Consent to lapse on (Date): 4 January 2013

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
2007.14 – DA1 (Rev A)	May 2008	Humel Architects Pty Ltd
2007.14-DA2 (Rev C)	Oct 2009	Humel Architects Pty Ltd
2007.14 DA3 –DA48 (Rev B)	April 2009	Humel Architects Pty Ltd

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: *To ensure the work is carried out in accordance with the determination of Council and approved plans.*

2. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: *Control of signage.*

3. No Development is to occur on the Cross Hatched Area

No approval is granted under this Development Consent for any works to occur within areas of the locality shown as cross –hatched on the maps.

Reason: *To comply with the requirement of WLEP 2000.*

4. No Development is to occur on the adjoining public Land

No approval is granted under this development consent for any works to occur on the adjoining public land, particularly treating this land as part of an Asset Protection Zone for the new residences, with works such as mowing, under scrubbing, removal of trees, lopping of trees and the like.

The rear boundary of properties adjoining the park must be physically delineated so that there is no encroachment by the residential living from this development onto Jamieson Park. New lessees are to be given written notice with their lease that the activities described above must not take place on the adjoining public land.

Reason: *To protect the adjoining public land.*

5. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).



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- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) In the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) In the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) Protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) Where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out



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on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement.

6. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.



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- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$	5,100,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$48,450	Rams
S94A Planning and Administration	0.05%	\$2,550	Rams
Total	1.0%	\$51,000	

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development.

8. Compliance with Standards

The development (where applicable) is to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:



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- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.

(Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "The good, the bad and the ugly: Design and construction for access". This information is available on The Australian Human Rights Commission website:

*www.hreoc.gov.au/disability_rights/buildings/good.htm
<http://www.hreoc.gov.au/disability_rights/buildings/good.htm>*

- (e) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (f) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted)
- (g) AS 4970 - 2009 'Protection of trees on development sites'

(Note: that the above list is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure the development is constructed in accordance with appropriate standards.*

9. External Colours and Materials (Dwellings)

External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

10. Requirements for Seniors Housing or Housing for Persons with a Disability

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the following:

(a) Occupation

As defined under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the development is only permitted to be occupied by persons detailed as follows:

- (i) Seniors or people who have a disability;
- (ii) People who live within the same household with seniors or people who have a disability;
- (iii) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(b) Letter Boxes

- (i) Must be lockable, and
- (ii) Must be located together in a central location adjacent to the street entry, and
- (iii) Must be situated on a hard standing area and have wheelchair access by a continuous path of travel (within the meaning of AS 1428).

(c) Private Car Accommodation

- (i) Each car parking space must be not less than 6 metres x 3.2 metres or the design of the development must be such as to enable the size of the car parking space to be increased to an area of not less than 6 metres x 3.2 metres, and
- (ii) Any garage or carport must have an internal clearance of at least 2.5 metres as measured from the finished floor level of the garage or carport, and
- (iii) Any garage must have a power-operated roller door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

(d) Accessible Entry

Every entry (whether a front entry or not):

- (i) Must not have a slope that exceeds 1:40, and
- (ii) Must comply with clauses 4.3.1 and 4.3.2 of AS 4299, and
- (iii) Must have an entry door handle and other hardware that complies with AS 1428.

(e) External Door

All external doors to any one dwelling must be keyed alike.

(f) Internal Door

- (i) Internal doors must have a clearance of at least 820 millimetres.
- (ii) Internal corridors must have a width of at least 1,000 millimetres.
- (iii) The width at internal door approaches must be at least 1,200 millimetres.

(g) Living room and dining room

- (i) A circulation space:
 - (a) Of at least 2,250 millimetres in diameter, and
 - (b) As set out in clause 4.7 of AS 4299, and
- (ii) A telephone adjacent to a general power outlet.
- (iii) A living room and dining room must have a potential illumination level of at least 300 lux.

(h) Kitchen

A kitchen in a self-contained dwelling must have:

- (i) A width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and
- (ii) a width at door approaches of at least 1,200 millimetres, and
- (iii) Benches that include at least one work surface:
 - (a) that is at least 800 millimetres in length, and
 - (b) the height of which can be adjusted from 750 millimetres to 850 millimetres, and

- (iv) a tap set:
 - (i) that is located within 300 millimetres of the front of the sink, and
 - (ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and
- (v) A thermostatic mixing valve for the hot water outlet, and
- (vi) Cook tops:
 - (a) With either front or side controls, and
 - (b) With controls that have raised cross bars for ease of grip, and
 - (c) That include an isolating switch, and
- (vii) A work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (viii) An oven that is located adjacent to a work surface the height of which can be adjusted, and
- (iix) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (ix) General power outlets:
 - (ix) At least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (xi) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.
- (i) **Main Bedroom**

At least one bedroom within a self-contained dwelling must have:

 - (i) An area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1,200 millimetres wide at the foot of the bed, and
 - (ii) 2 double general power outlets on the wall where the head of the bed is likely to be, and
 - (iii) At least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
 - (iv) A telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
 - (v) A potential illumination level of at least 300 lux.
- (j) **Bathroom**

A bathroom must have:

 - (i) An area that complies with AS 1428, and
 - (ii) A slip-resistant floor surface, and
 - (iii) A shower:
 - (a) the recess of which is at least 1,160 millimetres x 1,100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - (b) The recess of which does not have a hob, and
 - (c) that is waterproofed in accordance with AS 3740, and
 - (d) The floor of which falls to a floor waste, and
 - (e) That can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - (f) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and



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- (g) That has the tap set positioned so as to be easily reached from the entry to the shower, and
- (h) That can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
- (i) That can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- (iv) Thermostatic mixing valves for all hot water outlets, and
- (v) A washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- (vi) A wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (vii) A mirror, and
- (viii) A double general power outlet beside the mirror.

(k) Toilet

Each residence must have a toilet:

- (i) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- (ii) that is installed in compliance with AS 1428, and
- (iii) That has a slip-resistant floor surface, and
- (iv) The WC pan of which is located from fixed walls in accordance with AS 1428, and
- (v) That can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

(l) Laundry

A self-contained dwelling must have a laundry:

- (i) That has provision for the installation of an automatic washing machine, and
- (ii) That has provision for the installation of a clothes dryer, and
- (iii) That has a clear space in front of appliances of at least 1,300 millimetres, and
- (iv) That has thermostatic mixing valves for all hot water outlets, and
- (v) That has a slip-resistant floor surface, and
- (vi) That has an accessible path of travel to any clothesline provided in relation to the dwelling.

(m) Storage

A self-contained dwelling must be provided with a linen cupboard:

- (i) That is at least 600 millimetres wide, and
- (ii) That has adjustable shelving.

(n) Doors

Door hardware provided as the means for opening doors must be:

- (i) Able to be operated with one hand, and
- (ii) Located between 900 millimetres and 1,100 millimetres above floor level.

(o) Surface Finishes

Balconies and external paved areas must have slip-resistant surfaces.

(p) Ancillary Items

- (i) Switches must be located between 900 millimetres and 1,100 millimetres above floor level.
- (ii) General-purpose outlets must be located at least 600 millimetres above floor level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure public safety and equitable access for seniors or people with a disability.*

11. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.*

12. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: *Protection of Council's Infrastructure.*

13. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: *To ensure that services have been provided as required by this consent.*

14. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) Maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.



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Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Safety.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Construction Work within Public Open Space

The written consent of Council must be obtained to enter or undertake any work within adjoining public lands prior to the commencement of works.

Reason: *Protection of existing public infrastructure.*

15A Site Stabilisation

Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully re-turfed and the site must be maintained in a safe and clean state until such time as new construction works commence.

Reason: To retain topsoil and minimise dust pollution

15B. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.

Reason: *To ensure bushland management*

17. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Reason: *To ensure the proper management of public land.*

18. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

19. Surveyor's Report

A Registered Surveyor's identification report indicating that each dwelling is accurately located relative to adjoining dwellings and the site boundary as per the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: *To ensure the location of buildings under construction comply with the approved plans.*

20. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: *To ensure new Council infrastructure is constructed to Council's requirements.*

21. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.



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- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: *Protection of Trees.*

22. Stormwater Disposal

All stormwater from the development is to be piped to approved collection/dispersal points prior to discharge across Council land. Collection dispersal points are to ensure that nutrient and outflow rates are minimised in areas adjoining natural bushland and designed in accordance with Water Sensitive Urban Design Principles. Plans addressing this condition are to be submitted to Council for approval prior to issue of Construction Certificate.

Reason: Natural area management

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

23. Stormwater Disposal Certification

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- National Plumbing and Drainage Code.

Reason: *To ensure appropriate provision for disposal of stormwater arising from the development.*

24. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *To prevent pollution of the environment and to protect the amenity of the area*

25. House / Building Number

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *Proper identification of buildings.*

26. Intercom

An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *To ensure convenient access is available for visitors to the building.*

27. Undergrounding of Telecommunications Services

Arrangements are to be made for the provision of underground telecommunications services to the building.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services.*

28. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) Seniors or people who have a disability;
- (b) People who live within the same household with seniors or people who have a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](http://www.comlaw.gov.au/) <<http://www.comlaw.gov.au/>> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: *Statutory requirements.*

29. Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.*

30. Sydney Water Approval

Prior to occupation certificate (Interim or Final), submit to the Principal Certifying Authority written evidence from Sydney Water regarding evidence of a trade waste agreement.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: *Statutory requirement of Sydney Water*

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

31. Vehicle Egress Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to come to a complete stop before proceeding onto the public way.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure pedestrian safety.

32. Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: *To ensure pedestrian safety and to protect the streetscape.*

CONDITIONS PROVIDED BY THE NSW RURAL FIRE SERVICES

33. NSW Rural Fire Services Requirements

(1) Asset Protection Zone

At the commencement of building works the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of Planning for Bush Protection 2006 and the NSW Rural Fire Service's document 'Standard for asset protection zones'.

Reason: The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

(2) Design and Construction

- a) Units 3, 4, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25 – New construction shall comply with Australian Standard AS3959 – 1999 'Construction of buildings in bushfire – prone areas' Level 3.
- b) Units 6, 7, 8, 10, 11, 26, and 27 – New on the North, West and East elevations shall comply with Australian Standard AS3959 – 1999 'Construction of buildings in bushfire – prone areas' Level 3 with the exception that any external materials are to be non combustible. All other elevations shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire –prone areas' Level 3.
- c) Units 18, 19, 20 – New construction on the South and East elevations shall comply with Australian Standard AS3959 – 1999 'Construction of buildings in bushfire – prone areas' Level 3 with the exception that any external materials are to be non – combustible. All other elevations shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire –prone areas' Level 3.
- d) Units 31, 32, 33, 34, 35, 36, 37, 38 – New construction on the North, West and East elevations shall comply with Australian Standard Level 3 with the exception that any external materials are to be non-combustible. All other elevations shall comply with Australian Standard AS3959 – 1999 'Construction of buildings in bushfire –prone area' Level 3.
- e) Roofing for all units shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a flammability index no greater than 5.
- f) All dwelling subject to this application are required to be upgraded to improve ember protection. This is to be achieved by enclosing all opening (excluding roof tile spaces) or covering opening with a non – corrosive metal screen. This includes any sub floor areas where applicable and eaves.

Reason: New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of Planning for Bush Fire Protection 2006. In this regard the following design standards for construction are to be incorporated into the development.

(3) Evacuation and Emergency Management

An emergency/evacuation plan is to be prepared consistent with NSW Rural Fire Service Guidelines for the preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.

Reason: The intent of measures is to be provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

NOTE: *A fee will apply for any request to review the determination.*

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Lashta Haidari

Date 4 January 2010