
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-111/2010
Property: 1 Burroway Road, WENTWORTH POINT
Description: Construction of a 4 to 8 storey residential flat building consisting of 285 apartments above 2 levels of underground car parking with 383 spaces and associated street, landscaping, stormwater and public domain works

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

Plan Number & Title	Prepared By	Revision	Dated
A-DA-A1101 – Level 1 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1102 – Level 2 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1103 – Level 3 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1104 – Level 4 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1105 – Level 5 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1106 – Level 6 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1107 – Level 7 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1108 – Level 8 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1109 – Level 9 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1110 – Level 10 Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1111 – Roof Plan	SCOTT CARVER	J	7 June 2010
A-DA-A1112 – Elevations Sheet 1	SCOTT CARVER	J	7 June 2010
A-DA-A1113 – Elevations Sheet 2	SCOTT CARVER	J	7 June 2010
A-DA-A1114 – Sections Sheet 1	SCOTT CARVER	J	7 June 2010
A-DA-A1115 – Sections Sheet 2	SCOTT CARVER	J	7 June 2010
Materials Board	SCOTT CARVER	-	-
LDA-001 – Level 1 Landscape Plan	SCAPE	C	7 June 2010
LDA-002 – Level 2 Landscape Plan	SCAPE	C	7 June 2010
LDA-003 – Level 3 Landscape Plan	SCAPE	C	7 June 2010
LDA-004 – Public Domain Trees	SCAPE	C	7 June 2010
A-DA-3001 – Site Plan	Lucas Consulting Engineers	4	19 November 2009
A-DA-3002 – Typical Road Sections	Lucas Consulting Engineers	4	19 November 2009
A-DA-3003 – Sediment Control Plan	Lucas Consulting Engineers	4	19 November 2009
A-DA-3004 – Sediment Control Details	Lucas Consulting Engineers	4	19 November 2009

A-DA-3005 – Stormwater Concept Plan	Lucas Consulting Engineers	4	19 November 2009
317136M – BASIX Certificate	-	-	21 June 2010
2003780.2/0312A/R3/RT – Assessment of Environmental Noise Impact	Acoustic Logic Consultancy Pty Ltd	-	11 December 2003
Waste Management Plan	Lucas Consulting Engineers	-	19 November 2009
S21570/1-AC – Geotechnical Desk Study	Coffey Geosciences Pty Ltd	-	28 August 2003
10-8513 – Wind Effect Statement	Heggies Pty Ltd	-	11 December 2009

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

2. **Time Period of Consent**

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.

Reason:- to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act.

3. **Consistency with Specialist Reports**

The development is to be carried out in accordance with the recommendations of the following specialised reports:

- Assessment of Environmental Noise Impact (2003780.2/0312A/R3/RT), prepared by Acoustic Logic Consultancy Pty Ltd and dated 11 December 2003;
- Geotechnical Desk Study (S21570/1-AC), prepared by Coffey Geosciences Pty Ltd and dated 28 August 2003;
- Wind Effect Statement (10-8513), prepared by Heggies Pty Ltd and dated 11 December 2009.

Reason:- to ensure the recommendations of the specialist reports are implemented in the development.

4. **Auburn Development Contributions Plan 2007**

Development Contributions are payable in accordance with Council's Auburn Development Contributions Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.

Reason:- to ensure that the development complies with the Auburn Development Contributions Plan 2007.

5. **Development Contributions – Homebush Bay West**

A sum of \$981,901.96 is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

The above sum is broken down to the following items:

Item	Amount
Open Space – Administration	\$6,661.74
Open Space – District Acquisition	\$144,064.76
Open Space – Embellishment	\$311,167.97
Homebush Bay West – Plan Preparation	\$1,250.30
Homebush Bay West – Traffic Management Works	\$20,416.28
Homebush Bay West – Bus Shelters	\$4,299.41
Homebush Bay West – Hill/Bennelong Road Parkway	\$105,359.81
Homebush Bay West – Haslams Creek Bridge	\$68,784.44
Community Services – Administration	\$8,228.11
Community Services – Planning Studies	\$728.51
Community Services – District Community Centre	\$4,087.81
Community Services – Library Expansion	\$10,396.19
Community Services – Library Materials	\$14,185.43
Homebush Bay West – Community Development Officer	\$14,331.47
Homebush Bay West – Newcomers Kit	\$428.00
Community Services – Homebush Bay West Community Centre	\$267,511.73
TOTAL	\$981,901.96

These contributions are subject to indexation as per the Auburn Development Contributions Plan 2007.

Reason:- to provide traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

6. **Provision of Adaptable Units**

The proposed development shall provide a minimum of 20% of the total units as adaptable in accordance with the relevant Australian Standards and DCP requirements. Details demonstrating compliance shall be submitted to the PCA prior to the release of the Construction Certificate.

Reason:- to provide adaptable units in accordance with the DCP requirements.

7. **Public Domain**

The new areas of public domain are to be in accordance with the relevant Public Domain Manual for Homebush Bay West (Wentworth Point).

Detailed indicating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a construction certificate.

Reason:- to ensure compliance with the relevant public domain plans.

8. **Storage Cages**

Allocated and lockable storage areas are to be provided for all apartments within the car parking levels.

Reason:- to ensure sufficient storage is provided to all apartments.

9. **Submission of Construction Certificate**

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

Note:

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 7 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act and clause 142 of the Environmental Planning and Assessment Regulation 2000.

10. **No Alteration Without Prior Council Approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

11. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

- a) A construction certificate for the building work has been issued by the consent authority.
- b) The person having the benefit of the development consent has:-
 - i) Appointed a principal certifying authority for the building work; and
 - ii) Notified the principal certifying authority that the person will carry out the building work

as an owner-builder, if that is the case.

- b1) The principal certifying authority has, no later than 2 days before the building work commences:-
 - i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment;
 - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- b2) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building works are involved;
 - ii) Notified the principal certifying authority of any such appointment; and
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- c) The person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

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

12. **Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
- 1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- 2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- 3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
 - a) That a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site;
 - b) That the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder;
 - c) That the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any

residential building work over which the principal certifying authority has control;

- d) That building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work; and
 - e) That any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Note:

Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

Reason:- to comply with the requirements of Section 109E of the Environmental Planning and Assessment Act.

13. Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason:- to clearly identify the street number of the property.

14. Compliance with the Building Code of Australia

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

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

15. Insurance Requirements under the Home Building Act 1989

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than \$12,000 (or as varied from time to time by the Home Building Act 1989).

If the work is to be carried out as an owner-builder, an Owner-builder Permit must be obtained if the market value of the labour and materials needed to complete the work is greater than \$5,000 (or as varied from time to time by the Home Building Act 1989).

Note:

Evidence of the contract of insurance or owner builder permit (if required) must be submitted with the application for construction certificate. The construction certificate will not be released by Council unless this evidence is provided.

Reason:- to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

16. **Disabled Access and Facilities**

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 and Mobility – General requirements), AS1428.4 (Tactile Indicators) and AS2890.1 (Car Parking).

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.

Reason:- to ensure compliance with the requirements of the Building Code of Australia.

17. **Commonwealth Disability Discrimination Act**

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.

Reason:- to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992.

18. **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 109EA of the Environmental Planning and Assessment Act and clause 162 of the Environmental Planning and Assessment Regulation.

19. **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason:- to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

20. **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

- a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- b) 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
- c) 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.

Note:

Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

21. **BASIX Requirements**

Under Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:

- a) Relevant BASIX Certification means:-
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

Reason:- to ensure compliance with the commitments of the approved BASIX Certificate.

22. **Construction/Demolition Hours**

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 7.00am and 6.00pm only from Mondays to Fridays and between 8.00am and 4.00pm only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

23. **Information Required prior to the issue of Construction Certificate**

The following documentation (where applicable) is to be submitted to Council 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.
- 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 from 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 ventilating the basement car park (**Note:** If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by Australian Standard AS2890.1 – Car Parking, will be achieved).

Reason:- to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

24. **Infrastructure Fee**

An infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate. The amount may be obtained by calling Council's Customer Services unit.

Reason:- to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

25. **Maintain Plans On-site**

A copy of the construction certificate, approved plans and specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

26. **Inspection of Works – General and Site Management**

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 Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's 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 Council's 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.

Reason:- to ensure the development is adequately monitored during the construction phase.

27. **Items not to be Placed on Roadway**

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.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

28. **Sign Regarding Unauthorised Entry**

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. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

29. **Toilet Accommodation at the Site**

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.

Reason:- to ensure suitable toilet accommodation is provided for workers.

30. **Excavated and Filled Areas**

All excavated and filled areas shall be battered to a slope not steeper than two (2) horizontal to one (1) vertical and the fill area shall continue a minimum of one metre past the edge of the house, or similarly be retained in accordance with a retaining wall detail approved by Council. In the event that the retaining wall exceeds 600 mm when measured vertically from the base of the cut, the wall shall be designed by a practicing Structural Engineer, the details submitted to Council, and approved prior to work commencing.

Reason:- to adequately retain excavated and filled areas and prevent soil movement, which may be detrimental to the subject or adjoining premises.

31. **Fencing of Construction Sites – Rental details to be provided to the PCA**

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.

Note:

Should any part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) before the fence/hoarding is erected;
- Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer;
- Comply with Council's specifications for the erection of Class A Hoardings.

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

32. **Sedimentation Control**

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.

Such measures are to be maintained at all times to the satisfaction of Council and the PCA. Failure to do so may result in the issue of penalty infringement notices.

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

33. **Dust Suppression**

Dust suppression measures are to be employed at all times during all site works.

Reason:- to reduce dust pollution to the surrounding area.

34. **Display of a Warning Sign for Soil and Water Management**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

35. **Engineering Design –Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council 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.
- b) A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the construction certificate.

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.

Reason:- to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

36. **Excavations Below the Footings of Adjoining Development**

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.

Reason:- to ensure the support for neighbouring buildings.

37. **Dilapidation Report – Prior to Excavation of Basement**

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 dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, 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 Council and to the owners of each of the abovementioned premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

38. **Survey Documentation**

A Registered Surveyors check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:

- a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.

- b) 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.
- c) Prior to construction of each floor level showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
- d) 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.

Reason:- to ensure each stage of the development complies with the approved plans.

39. **Footpath area to be Illuminated**

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason:- the ensure the safety of pedestrians when passing the site.

40. **Fencing of Construction sites – A Type Hoarding**

A separate application is to 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 and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
 - Hoarding/Structure Application Fee;
 - Rental of Footpath Area (per metre per month – minimum 3 months rental);
 - Footpath Bond.
- Submit the following documents to Council with your application:
 - Certificate of Currency for Public Liability Insurance;
 - Certificate of Currency for Worker's Compensation Insurance;
 - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions;
 - Traffic/Pedestrian Control Plan.
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

Note:

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.

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

41. **Soil and Water Management Plan – Large sites**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the Plan shall be maintained at all times. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

Reason:- to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.

42. **Sediment Removal from Vehicle Wheels – Large sites**

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.

Reason:- to ensure suitable controls are in place prior to any works commencing to prevent water pollution from occurring.

43. **Disposal of Site Water**

Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter.

Reason:- to prevent water pollution from occurring.

44. **Noise from Construction Activities**

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

Level Restrictions:-

- i) Construction period of 4 weeks and under:-
 - 1) The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).
- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:-
 - 1) The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by

more than 10 dB(A).

iii) All possible steps should be taken to silence construction site equipment.

Reason:- to ensure noise arising from construction activities is in accordance with relevant legislation and EPA requirements.

45. **Site Compaction – Work Methodology**

Prior to the issue of a Construction Certificate, a work methodology prepared by an appropriately qualified geotechnical engineer shall be submitted to the Principal Certifying Authority for approval in respect of all site compaction works. The work methodology shall address the following:-

- a) Predicted vibration emissions extending beyond the boundaries of the site generated from the construction works indicating compliance with the requirements of the NSW Environment Protection Authority's Noise Control Guidelines – Vibration in Buildings; and
- b) Measures to minimise dust, offensive noise emissions and vibrations to demonstrate compliance with the NSW Environment Protection Authority's Noise Control Guidelines – Construction Site Noise.

Reason:- to ensure that carrying out of site compaction works is of minimal impact in the locality.

46. **Dial Before You Dig**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before commencement, call Dial before you dig on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street number/name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason:- to ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

47. **Discovery of Additional Information during Site Works**

Any new information which comes to light during any site works which has the potential to alter previous conclusions about site contamination and acid sulphate soils shall be notified to the Council and the PCA immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

48. **Monitoring of Field Parameters**

Results of the monitoring of any field parameters such as soil, groundwater, surface water,

dust or noise measurements shall be made available to Council Officers on request throughout the construction works.

Reason:- to ensure Council is informed as to monitoring of field parameters relevant to the remediation and/or construction works.

49. **Off-site Soil Disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

50. **Fill for Residential Sites**

(a) Should any importation of landfill material be required on the site, a validation report prepared in accordance with the Department of Environment and Conservation (DEC) (formerly known as the EPA) "Guidelines for Consultants Reporting on Contaminated Sites" shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

(b) "Chain of Custody" documentation shall be kept for the transportation of validated fill material from its point of origin to its arrival at the subject premises. A record of "Chain of Custody" shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

Reason:- to ensure appropriate validation and handling of fill for residential premises.

51. **Number of Car Parking Spaces**

A total of 383 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 metres by 2.4 metres and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 metres.

Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Car parking spaces shall not be enclosed without the prior consent of council.

Reason:- to ensure there is sufficient car parking for the development.

52. **Signs for Visitor Parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor parking spaces shall be clearly sign-marked.

Reason:- to ensure the visitor parking spaces are clearly identified.

53. **Signs and Pavement Markings**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

Reason:- to assist with traffic flow within the development.

54. **Car Wash Bay**

An open service area measuring at least 7.6 metres by 3.0 metres is to be provided for use by residents for car cleaning and washing activities. This area is to be suitably located, paved, graded and drained.

All waste water from the car wash bay shall be discharged to sewer under a Trade Waste Agreement from Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The means of disposal shall comply with:

- EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste);
- EPA's Managing Urban Stormwater: treatment techniques.

Details are to be submitted with the construction certificate.

Reason:- to designate a car washing area within the development and to ensure waste water is properly managed.

55. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

56. **Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated service bay of parking level 1 and not on access driveways, car parking spaces or landscaped areas.

Reason:- to ensure delivery vehicles do not obstruct these designated areas of the site.

57. **Protective Bar to Vehicular Entry**

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

Reason:- to prevent damage from oversized vehicles when entering the premises.

58. **Roller Doors and Shutters**

Roller doors or other shutters of suitable colour and finish are to be provided to the entries to

the car parking levels. All roller doors and/or shutters shall operate silently and be appropriately maintained at all times.

Reason:- to ensure quiet operation and ongoing maintenance to car park doors.

59. **Parking Level Painting**

The parking levels shall be painted in a cream or white colour to maximise lux levels and promote a greater sense of security and amenity. Details of the proposed colour scheme shall be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason:- to promote a greater sense of security and amenity within the basement parking area.

60. **Intercom/Remote Access to Parking Levels**

An intercom and remote access system shall be provided at all vehicular access points to the car parking levels and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

Reason:- to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

61. **Car Parking Spaces – Restrictive Covenant**

The following shall be complied with:-

- a) The on-site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.
- b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

Reason:- to ensure the car parking spaces are used in accordance with the details of the development approval.

62. **Car Park and Service Vehicle Area Layout**

- a) The layout of the car park shall comply with Australian Standard AS2890.1: 2004 – Parking Facilities Part 1: Off Street Parking. All parking spaces are to be line marked.

- b) The layout of the service bay shall comply with Australian Standard AS2890.2: 2004 – Off Street Parking, Part 2 – Commercial Vehicle Facilities.

Reason:- to ensure that the car parking and service vehicles areas are designed and constructed to meet relevant Australian Standards.

63. **Sight Distance and Driveway**

The driveway entries shall be designed in accordance with AS 2890.1 2004. Prior to release of a Construction Certificate, a compliance certificate from a practising civil/traffic engineer shall be submitted to Council or the Accredited Certifier. The above compliance certificate shall state that the driveway design complies with section 3.2.4 of AS 2890.1 2004.

Reason:- to ensure the sight distance and driveway comply with Australian Standards.

64. **Materials and Finishes**

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:-

- a) Quality and durable materials are to be used throughout the development.
- b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

Reason:- to ensure a high quality appearance to all materials within the development.

65. **Maintenance Schedule**

Prior to the issue of a Construction Certificate a maintenance schedule to be submitted to the Principal Certifying Authority for approval as to the ongoing maintenance and upkeep of the finishes and materials to the building. This shall include, but not be limited to the following:

- a) The exterior of the buildings being painted at least once in every ten year period;
- b) The externally visible windows of the buildings being washed once every year; and
- c) Timber work (screens, fences and the like) to the building and site being protected against fading/discolouration and warping

Reason:- to ensure adequate ongoing maintenance to the development.

66. **SEPP 65 – Design Verification**

The following requirements arising from State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings must be complied with:-

- a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, 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.

- b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, 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.

Reason:- to ensure that the requirements of SEPP No.65 and the Environmental Planning and Assessment Regulations are complied with in the carrying out of the development.

67. **Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

Reason:- to ensure Council is aware and kept informed of the current project architect.

68. **Common Wall Construction**

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that common party walls between the dwellings being constructed from solid masonry materials and not being lightweight construction.

Reason:- to ensure adequate acoustic separation between dwellings within the development.

69. **Plumbing – Separation and Containment**

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.

Reason:- to ensure adequate separation and containment of plumbing between dwellings.

70. **Timbers**

Prior to the issue of a Construction Certificate, construction drawings/specifications shall indicate that timbers used in the development are plantation, recycled or regrowth timbers of timbers grown on Australian farms or State forest plantations and that no old growth or rainforest timbers are to be used in any circumstances.

Reason:- to promote ecologically sustainable development by preventing the use of old growth and rainforest timbers within the development.

71. **Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

Reason:- to ensure adequate security provision to shared pedestrian entries to the development in accordance with Council's Development Control Plan requirements.

72. **Underside of Balconies**

The underside of the balconies within the development must be designed to prevent exposed

pipes and utilities being visible.

Reason:- to ensure an attractive appearance to the development in accordance with Council's Development Control Plan requirements.

73. **Parking Levels Appearance**

- a) Parking level walls to the development that are visible above ground level are to be appropriately finished and be treated to be consistent with the appearance of the building.
- b) Where the basement wall extends within 1.2m of the side or rear boundary, ventilation grilles are not to be provided within these elevations.

Reason:- to ensure that the basement walls are appropriately treated and in accordance with Council's Development Control Plan requirements.

74. **Switchboards/Service Panels**

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

Reason:- to ensure that switchboards and service panels are appropriately located and do adversely impact on the appearance/presentation of the front building facade.

75. **Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

Note:

The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

76. **Roofing Materials – Reflectivity**

Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the roofing material. The Certifying Authority shall provide certification with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.

Reason:- to ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development.

77. **Stormwater Disposal**

All stormwater runoff generated from the development is to be directed and connected to the proposed street drainage system.

Reason:- to ensure that stormwater is suitably discharged.

78. **Submission of Stormwater Disposal Details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council 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 practicing Civil/Hydraulic Engineer and must be in accordance with Council's Stormwater Drainage DCP and Australian Rainfall and Runoff 1987.

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

In this regard, the proposed stormwater system shall generally be in accordance with drainage concept plans A-DA-3001, A-DA-3002, A-DA-3003, A-DA-3004 and A-DA-3005 (Issue 4), prepared by Lucas Consulting Engineers and dated 19 November 2009.

Reason:- to ensure the stormwater is suitably discharged.

79. **Stormwater Pump-out System**

A pump-out system is to be installed consisting of two (2) pumps, a heavy duty and a standby pump to drain any water from the underground parking levels. The system is to be designed for the 1 in 100 year average recurrence interval (ARI) critical storm duration and in accordance with Australian Rainfall and Runoff 1987 with reference to Technical Note 1 on page 299 of same.

Prior to occupation of the building, written evidence shall be submitted to Council confirming that:-

- A hydraulic engineer has inspected and certified the stormwater pump installation as complying with the approved plans; and
- A contract has been let for the regular maintenance of the pump out system.

Reason:- to ensure the pump-out system has been properly installed and will be maintained.

80. **Underground Parking Levels Drainage System**

The underground drainage is to comply with the following criteria:-

- a) Two pump units being installed, the capacity of each being calculated on the basis of a fifty year storm recurrence interval and a storm duration of 6 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 fifty 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 150mm above the level of the surrounding area to achieve additional freeboard above the 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.

81. **Structural Engineering Certificate**

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

Reason:- to ensure the construction is structurally adequate.

82. **Structural Design of the Underground Tank**

A detailed structural design of the proposed underground detention tank shall be submitted to the Council or the Accredited Certifier with the Construction Certificate.

Reason:- to ensure adequate structural stability.

83. **Ramp Gradients**

Circulation ramp grades shall comply with Section 2.5.3 of Australian Standard AS2890.1: 2004. In this regard:

- Maximum gradient of the driveway access ramps for first 6 metres in to the car park shall not exceed 1 in 20 (5%). A longitudinal section of the access ramps shall be submitted in 1:20 scale.
- A detailed longitudinal section of the ramps to a scale of 1:20 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason:- to ensure the access ramps comply with Australian Standard AS2890.1: 2004.

84. **Headroom Clearance**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1: 2004. In accordance with the Standard, a headroom clearance of a minimum of 2.3 metres shall be provided. In this regard a detailed longitudinal section of curved ramps to a scale of 1:20 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Copies of the approved plans shall also be submitted to Council for information.

Reason:- to ensure the access ramps comply with Australian Standard AS2890.1: 2004.

85. **Works-as-Executed Plan**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (WAE) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The WAE plan shall show (where applicable):-

- i) Whether all works have been completed generally with the approved drainage plans.
- ii) Any departure from the approved plan and conditions.
- iii) Any additional work that has been undertaken.
- iv) Location, levels and sizes of pipes and pits.
- v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- vi) The basement pump-out storage volumes.

Note:

The WAE surface level shall be taken after all landscaping has been completed. In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 and A5 in the appendix of Council's Stormwater Drainage DCP shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

Reason:- to account for minor variations and to ensure Council has the final details.

86. **Reinstatement of Footpath and Footpath Crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

87. **Vehicle Driveway Crossings and Gutter Laybacks**

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

88. **Carrying Capacity of Driveways – Heavy Duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

89. **Street Boundary Levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

90. **Road Opening Permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

91. **Restoration Works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts and Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

92. **Works within Council Controlled Lands**

- (1) For drainage works:
 - a) Within Council controlled lands, and
 - b) Connecting to Council's stormwater drainage system,

Inspections will be required:-

- i. After the excavation of pipeline trenches;
- ii. After the laying of all pipes prior to backfilling; and
- iii. After the completion of all pits and connection points.

(2) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.

(3) Work is not to proceed until the works are inspected and approved by Council.

Reason:- to ensure development complies with car parking and loading development control plan.

93. **On-street Parking**

The proposed on-street parking plan shall be in accordance with the parking layout of approved architectural plans, excluding the Hill Road parking layout. In this regard:

- The proposed intended parking bays on Hill Road frontage shall be deleted and the existing kerb alignment shall be maintained.
- The parking bay dimensions shall comply with Australian Standard AS2890.1 and AUSTROADS requirements.

Reason:- to maintain the existing use of Hill Road.

94. **Footpath Construction – Hill Road**

Prior to the issue of the any Occupation Certificate, a new footpath shall be constructed along the Hill Road frontage. In this regard:

- A detailed design shall be prepared in consultation with Council and submitted to Council for approval.
- All associated cost shall be borne by the applicant.

Reason:- to provide a safe footpath for increased pedestrian use and one that will complement the locality.

95. **Service Relocation/Adjustment**

The applicant shall be responsible for any damage to, relocation or adjustment of any utility services necessary for the development, including the adjustment to levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Service Authority or Council.

Reason:- to protect utility services.

96. **Traffic Management**

A management plan shall be submitted to and approved by Council for all demolition, excavation and construction traffic activities associated with the development prior to commencement of work.

Reason:- to ensure impacts of construction traffic are appropriately managed.

97. **Removal of Litter**

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and

clear of litter at all times.

Reason:- to maintain a satisfactory level of amenity in the locality.

98. **Light Overspill**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

All lighting shall comply with Australian Standard AS4282: 1997 – Control of the obtrusive effects of outdoor lighting.

Reason:- to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

99. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), 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.

Note:

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.

Reason:- to ensure compliance with Regulations 149 and 171 of the Environmental Planning and Assessment Regulation 2000.

100. **Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the 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.

Note:

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.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

101. Fire Safety Notices

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.

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

102. Mechanical Ventilation Systems/Cooling Towers

The mechanical ventilation system shall comply with Australian Standard AS1668.2: 1991 – The use of mechanical ventilation and air conditioning in buildings. Prior to installation, the design is to be certified by a person competent to do so. At the completion of the installation of the mechanical ventilation system, the work shall be certified by a person competent to do so. The certification shall include:-

- Inspection, testing and commissioning details;
- Date of inspection testing and commissioning;
- The name and address of the individual who carried out the test;
- A statement that the service has been designed, installed and is capable of operating to the above standard.

Any cooling tower installation shall be designed, installed and maintained in accordance with the requirement of the Public Health (Microbial Control) Regulation 2000 and Australian Standard AS/NZS 3666.2: 1995 – Air-handling and water systems of buildings Microbial control Operation and maintenance. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

A copy of the installation certificate shall be submitted to Council prior to occupation of the building to enable details of any cooling towers to be entered on Council’s Cooling Tower register.

Reason:- to ensure compliance with the Building Code of Australia and Public Health (Microbial Control) Regulation 2000.

103. Landscaping Installation and Maintenance

Landscaping must be installed and maintained in accordance with Schedule A-4 – Minimum Landscaping Requirements of Auburn General Requirements Development Control Plan prior to the issue of an Occupation Certificate.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

104. Irrigation to Landscape Areas

All landscaped podium areas and landscaped communal open spaces shall be provided with a water efficient (drip or similar) irrigation system.

Reason:- to ensure common landscaped areas within the development are provided with adequate irrigation.

105. Soil Depth to Landscaped Podiums

All landscaped podium areas should maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf.

Reason:- to ensure adequate soil depth to landscaped podium areas.

106. Paving Selection

Selection of paving for use within the development shall give consideration to materials that reduce glare and minimise surface runoff.

Reason:- to ensure appropriate paving selection within the development as required by Council's Development Control Plan.

107. Maintenance of Street Trees

Newly planted trees on Council land (Hill Road) shall be maintained for a period of twelve months. Maintenance shall include watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other activities required to maintain a healthy tree. A suitably qualified horticulturist shall undertake all maintenance work.

At the end of the twelve month period the applicant may apply to Council in writing for the hand-over of the trees and the reimbursement of bond money. Any replacement of dead or damaged trees required to be replaced by Council will result in forfeiting of the bond.

Reason:- to ensure planting and ongoing maintenance of street trees to Council's satisfaction.

108. Turf on Council's Verge

All turf on Council's verge directly adjacent to the lot shall be removed and replaced with Kikuyu turf prior to the issue of an Occupation Certificate. Levels on the verge must remain unchanged.

Reason:- to improve streetscape appearance.

109. Noise and Vibration

The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- a) An 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) Transmission of vibration to any place of different occupancy above the requirements of Australian Standard AS2670.
- c) A sound pressure LAeq, period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) A sound pressure LAeq, 15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

110. **Air Conditioning Units – Location and Acoustics**

- a) Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.
- b) The operation of air conditioning units shall be so:
 - (i) As not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
 - (ii) As to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
 - (iii) As not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.
- c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

111. Intruder Alarms

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

112. Arrangements for Electricity and Telephone Services

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 (Council 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.

Reason:- to ensure these services are available to the site.

113. Arrangements for Water and Sewer Services

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built or 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 landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to release of the final plan of subdivision or occupation of the development.

Reason:- to ensure that adequate water and sewer services can be provided to the site.

114. Stamping of Plans by Sydney Water

The approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – see Building Developing and Plumbing then Quick Check;
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating.

Or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- If there is a combined Development/Construction Certificate application, ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to works commencing on site.

Reason:- to ensure the development does not damage or interfere with Sydney Water assets.

115. **Aboveground Power Lines**

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason:- to improve the aesthetic quality of the area.

116. **Mail Box Structure**

Australia Post approved lockable mail box structures shall be centrally and conveniently located to the primary entries to the building.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

117. **No Advertising Approved**

Advertising structures or signs shall not be erected, affixed, painted or displayed without prior Council consent.

Reason:- to prevent the proliferation of signs which will result in a degradation of the visual quality of the area.

118. **Fencing/Gates and Adjoining Land**

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason:- to ensure the fence/gates do not restrict access and that encroachments do not occur.

119. **Graffiti and Vandalism Rectification**

Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

Reason:- to ensure graffiti and vandalism is removed from premises in a timely manner and to protect the visual appearance of the area.

120. Cleaning of Facade

The owner/manager of the building shall ensure that all windows on the facade and the facade itself, of the premises are cleaned regularly and, in any event, not less than twice in an annual period.

Reason:- to ensure regular maintenance and cleaning to the exterior of the premises.

121. Telecommunications Facilities – Residential

The following requirements apply to telecommunication facilities in the building:-

- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

122. Lighting to Publicly Accessible Areas

The following lighting requirements shall be complied with:

- a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

Reason:- to ensure publicly accessible areas of the development are provided with sufficient illumination.

123. Lighting – External Flood Lights

Exterior wall mounted flood lights shall be illuminated to a maximum level of between 25 and 50 lux at ground level. Should any substantive complaints be received or should the proposed lighting have an adverse impact on residential amenity, Council reserves the right to request modifications to the lighting arrangements.

Reason:- to ensure that external lighting does not result in any adverse impact on surrounding properties, including residential land.

124. Suitable Arrangements for Garbage and Recycling Services

Suitable arrangements for garbage and recycling services are to be made with Council prior to occupation of the building.

Reason:- to ensure adequate garbage and recycling services are provided for the development.

125. Garbage Storage and Collection

All garbage shall be removed from the site directly via the garbage storage areas. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

126. Contract for Waste Collection

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

Reason:- to ensure suitable arrangements are in place for the collection of trade waste and recyclables arising from the premises.

127. Waste and Recyclables Storage Area

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room.

Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

Reason:- to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

128. Ongoing Waste Management

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:-

- a) Appropriate waste management practices are to be adopted within the development at all times.
- b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
- c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.
- d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.

e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason:- to ensure appropriate ongoing waste management practices within the development in accordance with Council's Development Control Plan requirements.

129. **Submission of Works-as-Executed Fire Services Plan**

A works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.

Reason:- to ensure a record of the location and type of fire safety services is documented.

130. **Occupation Certificate**

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 (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 109M/N of the Environmental Planning and Assessment Act.