
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-313/2010
Property: 9 Baywater Drive, WENTWORTH POINT (Allora)
Description: Amended Plans for construction of a residential flat building of 323 units over basement carparking & associated works

1. Approved Plans

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Cover Sheet DA00	Turner and Associates		11/2/2011
Context Plan DA01	Turner and Associates	H	11/2/2011
Site Analysis DA02	Turner and Associates	D	11/2/2011
Basement Level Plan DA09	Turner and Associates	U	25/3/2011
Ground Level Plan DA10	Turner and Associates	AA	5/4/2011
Level 01 Plan DA11	Turner and Associates	X	5/4/2011
Level 02 Plan DA12	Turner and Associates	X	5/4/2011
Level 03 Plan DA13	Turner and Associates	X	5/4/2011
Level 04 Plan DA14	Turner and Associates	U	5/4/2011
Level 05 Plan DA15	Turner and Associates	U	5/4/2011
Level 06 Plan DA16	Turner and Associates	U	5/4/2011
Level 07 Plan DA17	Turner and Associates	V	5/4/2011
Plant Level Roof Plan DA18	Turner and Associates	O	11/2/2011
North Elevation Nuvolari Place DA21	Turner and Associates	R	11/2/2011
West Elevation Savona Drive DA22	Turner and Associates	V	11/2/2011
South Elevation Baywater Drive DA23	Turner and Associates	P	11/2/2011

East Elevation Monza Boulevard DA24	Turner Associates and	V	11/2/2011
Section AA DA31	Turner Associates and	M	11/2/2011
Section BB DA32	Turner Associates and	K	11/2/2011
Section CC DA32	Turner Associates and	F	11/2/2011

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Landscape Drawings Cover Page DA000	AECOM	B	29 July 2010
Site Analysis DA0001	AECOM	C	28/7/2010
Landscape Masterplan DA002	AECOM	C	28/7/2010
Landscape Masterplan Podium DA003	AECOM	C	28/7/2010
Landscape Masterplan Street DA0004	AECOM	C	28/7/2010
Landscape Detail Plan Podium DA005	AECOM	C	28/7/2010
Landscape Details Plans Street DA006	AECOM	C	28/7/2010
Landscape Sections DA007	AECOM	C	28/7/2010
Typical Landscape Detail Sections DA008	AECOM	C	28/7/2010
Typical Landscape Detail Sections DA009	AECOM	C	28/7/2010
Typical Landscape Detail Sections DA010	AECOM	C	28/7/2010
Materials Palette DA011	AECOM	C	28/7/2010
Planting Palette Shrubs and Groundcovers DA012	AECOM	C	28/7/2010
Planting Palette Trees DA013	AECOM	C	28/7/2010

Planting List and Maintenance Strategy DA014	AECOM	C	28/7/2010
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<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Cover Sheet C-000	Wood Grieve Engineers	B	3/3/2011
Storm Water Services Legend Notes and Details C-001	Wood Grieve Engineers	B	3/3/2011
Storm water services Basement Level C-100	Wood Grieve Engineers	B	3/3/2011
Storm water services Ground Floor Plan C-200	Wood Grieve Engineers	B	3/3/2011
Storm water services Level 1 Plan C-300	Wood Grieve Engineers	B	3/3/2011
Storm water services Level 2 Plan C-400	Wood Grieve Engineers	B	3/3/2011
Storm water services Level 3 Plan C-500	Wood Grieve Engineers	B	3/3/2011
Storm water services Level 4 Plan C-600	Wood Grieve Engineers	B	3/3/2011
Storm water services Level 5 and 6 Plan C-700	Wood Grieve Engineers	B	3/3/2011
Storm water services Level 7 Plan C-800	Wood Grieve Engineers	B	3/3/2011
Storm water services Roof Plan C-900	Wood Grieve Engineers	B	3/3/2011
Site Based Stormwater Management Plan	Wood Grieve Engineers	B	August 2010
BASIX Certificate Certificate Number 326828M-03			10 February 2011

BASIX Certificate Certificate Number 326839M-03			10 February 2011
BASIX Certificate Certificate Number 326845M-03			10 February 2011
BASIX Certificate Certificate Number 326848M-03			10 February 2011
BASIX Certificate Certificate Number 326852M-03			10 February 2011
BASIX Certificate Certificate Number 326863M-03			10 February 2011
BASIX Assessment	VIPAC		10 February 2011

Plan Number	Prepared By	Revision No.	Dated
Access Review (Final)	Morris Goding Accessibility Consulting		5 August 2010
Pedestrian Wind Environment Statement Reference Report No W382-46F03 (Rev2) WS Report.doc	WINDTECH		March 3 2011
DA Traffic Noise Intrusion and Plant Noise Emission Assessment	AQcoustic Logic Consultancy - Noise and Vibration Consultants.		29 July 2010
Alora Building Services Development Application Statement	Wood Grieve Engineers		4 August 2010
Waste Management Plan	Mc Gregor Environmental Services		July 2010
Acid Sulphate Soil Management Plan Report ID:CES050402-PP- Atlas ASSMP-F.Doc	Consulting Earth Scientists	Revision 2	5 August 2005
Stage II Detailed Site Investigation. Report ID: CES030910-PPL- ALORA-01-F	Consulting Earth Scientists		21 June 2005

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. **Section 94 Development Contributions**

Development Contributions are payable in accordance with Council's Section 94 Development Contributions Plans, which have been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended. The appropriate details about the amounts to be paid are set out in the Section 94 Development Contributions Schedule, which is attached to and forms part of this consent.

The amounts payable will be adjusted in accordance with the index set out in the relevant Section 94 Development Contribution Plans. Payment is to be made prior to the issue of a Construction Certificate.

Council's Development Contribution Plans are available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn.

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

3. **Auburn DCP 2007 – Homebush Bay West**

A sum of \$1,068,571.13 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	<i>Amount</i>
Traffic Management	\$207,225.34
Open Space – District Acquisition and Embellishment	\$508,304.44
Community facilities	\$280,126.27
Plan administration	\$72,915.08
TOTAL	\$1,068,571.13

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

4. **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.

5. **Modified garbage room Ground level**

(a) Prior to the issue of any construction certificate amended architectural and

elevation plans shall be submitted to Council showing the garbage bin storage room (identified on plan as Garbage Accumulation Room) facing Monza Boulevard adjoining Fire Stair 17 (FS17) being amended to allow off street collection of waste within the building. The design needs to incorporate a reversing heavy vehicle operation and an appropriate driveway crossover.

- (b) Prior to the issue of any occupation certificate the design for on site collection of waste must be constructed in accordance with the approved plans.

Reason: to ensure the provision of potential future garbage collection occurs wholly within the site and not on the roadway.

6. **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.

NOTES:

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.

7. **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.

8. **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, and
- 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, and
- 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, and
 - 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, and
- 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 work is involved, and
 - 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, and
- 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.

9. **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, and
 - 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, and
 - 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, and
- 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.

10. **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.

11. **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.

12. **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.

13. **Disabled access & 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 & Mobility - General requirements), AS1428.4 (Tactile Indicators) and 2890.1 (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.

14. **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.

15. **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.

16. **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.

17. 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.

18. BASIX Requirements

Under Clause 97A(3) of the Environmental Planning & 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 & Assessment Regulation 2000.

Reason:- to comply with the BASIX requirements.

19. 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 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. 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.

20. **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 existing fire safety measures provided in relation to the land or any existing building on the land.
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land.

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

21. **Maintain plans on-site**

A copy of the construction certificate, the approved plans & 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.

22. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway, community title 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.

23. **Sign to be erected concerning unauthorised entry to the site**

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.

24. **Toilet accommodation for people working 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.

25. **Survey Report**

A Registered Surveyors check survey 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 stages of construction:**

(Setbacks and levels at commencement)

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

(Setbacks and levels at completion)

- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

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

26. **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 or B Hoardings.**

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

27. **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 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.
- b) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- c) 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.
- d) 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.
- e) 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.
- f) 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.

28. **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.

29. **Engineering Design - Basement 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.

30. **Excavations extending below the base of 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.

31. **Dilapidation Report - Prior to Excavation of Basement**

- (a) 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, swimming pools and driveways etc.) located upon all of the premises

adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the 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.

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided **prior to the commencement of demolition, excavation or building works** certifying that the demolition, excavation and or building works will not have an impact on **any** adjoining structure including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

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.

32. **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:- to ensure the safety of pedestrians when passing the site.

33. **Fencing of construction sites - Rental details to be provided to the PCA (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.

34. **Overhead protective structures – Major works or works above footpath/road – Details to be provided to the PCA (B-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
 - Structural certification prepared and signed by an appropriately qualified practising structural Engineer
- 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: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6m of the street alignment.

A temporary hoarding or fence is to be provided to the perimeter of the site in all other locations (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres) and the hoarding or fence is to be installed prior to commencing any works on the site and be maintained throughout construction.

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.

Details of the proposed hoardings or fences located upon the site are to be submitted to the Principal Certifying Authority and 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.

35. **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.

36. **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.

37. **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*.

a) 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.

38. **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 you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./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.

39. **Access Review Report**

The recommendations of the Access Review Report prepared by Morris Goding and dated 5 August 2010 shall be implemented. Full details of compliance shall be provided prior to the release of the Construction Certificate for approval by Council or the Accredited Certifier.

Reason:- to ensure the complex is fully compliant with the Disability Discrimination Act, Building Code of Australia and AS 1428 series.

40. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination 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.

41. **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 & Management of Liquid & Non-Liquid Wastes (1999).

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

42. **Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated at the completion of works with all costs being borne by the developer..

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

43. **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.

44. **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.

45. **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.

46. **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 & Maintenance Engineer.

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

47. **Number of Car Parking Spaces**

A total of 407 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 m.

Car parking shall be provided as follows:-

- A minimum of 2 spaces to be provided for the shop.
- A minimum of one space to be provided for the shop in which vans are capable of carrying out loading and unloading operations.
- A minimum of 326 spaces for the residents.
- A minimum of 65 spaces for visitor use.

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.

Further to the above, there shall be:-

- 17 Motorbike parking spaces.
- 124 spaces provided for parking bikes. In this regard, two additional bike parking spaces shall be provided with details to be shown on the Construction Certificate Plan for approval by Council or the Accredited Certifier.

Reason:- to ensure there is sufficient car parking for the development and to comply with the planning controls applicable to the site.

48. **Signs for Visitor and employee Parking**

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

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

49. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

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.

50. **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.

51. Loading and Unloading of Vehicles

All deliveries to the shop or commercial retail space are to be conducted from vehicles standing within designated loading areas 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.

52. 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.

53. Roller doors and shutters - silent operation

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

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

54. Basement parking – paint colours

The basement 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.

55. Intercom/remote access to basement

An intercom and remote access system shall be provided at all vehicular access points to the basement car park 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.

56. 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.

57. **Layout of the proposed car park**

The layout of the proposed car park associated with the subject development including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions shall be in accordance with AS 2890.1 2004 and AS 2890 2002 for heavy vehicles.

Reason:- to ensure the car park complies fully with the Australian Standards applicable for the development.

58. **Clear sight lines**

Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 - 2004.

Reason:- to ensure clear sight lines are provided for good visibility.

59. **Swept paths**

The swept path of the longest vehicle entering and existing the subject site as well as manoeuvrability through the site shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to the Council or the Accredited Certifier for approval with the construction certificate showing compliance with the requirement.

Reason:- swept paths within the basement car park must comply with AUSTROADS.

60. **Construction Traffic Management Plan**

A construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council or the Accredited Certifier with the Construction Certificate for approval prior to the issue of the Construction certificate.

Reason:- a traffic management plan must be implemented during the construction phase of the development.

61. **Works and regulatory signposting**

All works, regulatory signposting associated with the proposed development are to be at no cost to the Roads and Traffic Authority.

Reason:- the developer must bear the cost of relevant works associated with the development.

62. **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.

63. **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 EP&A Regulations are complied with in the carrying out of the development.

64. **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.

65. **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.

66. **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.

67. **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.

68. **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.

69. **Switchboards/Service Panels**

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the buildings.

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

70. **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.

71. **Amenity**

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

72. **Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

Reason:- to protect the surrounding locality from offensive odours.

73. **Water Pollution**

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Reason:- to protect waterways and stormwater systems from pollution.

74. **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.

75. **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.

76. **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 provision.

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

77. **Vehicle washing**

Washing of vehicles shall be conducted in a car washbay as indicated on the approved plans which is roofed and bunded to exclude rainwater. The carwash bay shall be installed in accordance with Sydney Water's requirements. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water before discharge to sewer commences and a copy provided to the Principal Certifying Authority and Council prior to the issuing of the construction certificate. The car wash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

a) 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*

b) The following requirements must be incorporated into the car wash bay design/operation:-

- Have an adequate parking and washing floor space.
- Have an adequate turning area.
- Provide a water supply.
- Minimise water use with appropriate devices (eg such as a gun-type nozzle which closes when released and a timer operative value, collection and use of rainwater).
- Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
- Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.
- Ensure that noise emissions from the car wash down bay does not exceed 5dB(A) above the background noise levels at any time, as measured at the nearest residential property boundary and install noise effective barriers.
- Have good ventilation and good lighting.
- Have regard to the safety of pedestrians and traffic.
- The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
- Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to

- minimise the use of detergents and water.
- Have an approved maintenance management plan which includes a contingency plan in case of system failure.

Reason:- to ensure waste water is properly managed and to ensure the efficient operation and management of the carwash facilities within the development.

78. **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 (ie 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) '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 AS2670.
- c) a sound pressure $L_{Aeq,period}$ 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 $L_{Aeq,15min}$ 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 L_{Aeq} 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.

79. **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.

80. **Compliance with Submitted Acoustic Report**

All noise control measures specified in the traffic noise intrusion and plant noise emission assessment prepared by Acoustic Logic Consultancy dated 29 July 2010 (report 2010640/0705A/R0/YK), shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

Reason:- to ensure good residential amenity and to avoid adverse noise impacts external and internal of the development.

81. **Ventilation of the basement car park**

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 - 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the Principal Certifying Authority.

Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it create an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

Reason:- to provide adequate ventilation of the car park area.

82. **Separate consent required prior to occupation of premises**

Separate Development Consent must be obtained prior to occupation of the shop or commercial premise situated on the corner of Nuvolari Place Road and Savona Drive.

Reason:- to control and regulate the use of the premises.

83. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no

circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

Reason:- to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

84. **Fencing/gates and adjoining land**

There must be no encroachment of any part of the structures 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.

85. **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.

86. **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.

87. **Stamping of development application 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; and
- 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.

88. **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, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 132 092.

Following application a "Notice of Requirements" will be forwarded detailing 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 Council **prior to release of the final plan of subdivision.**

NOTE: Development types generally not to be referred for Section 73 Compliance Certificates are:-

- *Strata subdivision plans for building approved by an earlier DA, ie strata title of an existing block.*
- *Consolidation of existing lots of land not involving subdivision of the existing lots.*
- *One new single residential dwelling replacing an existing dwelling.*
- *Alterations, additions to an existing residential dwelling (including carports).*
- *Carports on residential lots.*

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

89. **Mail Box Structure**

An Australia Post approved lockable mail box structures shall be centrally located to the primary street entry of the site.

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

90. **Suitable arrangements to be made 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.

91. **Waste Management Plan – New works**

A Waste Management Plan shall be submitted to the PCA. The plan must be submitted and approved prior to the issuing of the construction certificate.

The approved Waste Management Plan for the site must be displayed in an appropriate location on-site and complied with at all times during construction/remediation/demolition and ongoing occupation.

The builder/construction company shall be provided with at least one copy of the waste management plan.

Reason:- to ensure waste is properly managed.

92. **Garbage Storage and Collection**

The provision of an at grade collection point (identified on plan as Garbage Accumulation Room) facing Monza Boulevard adjoining Fire Stair 17 (FS17) shall be used as the main store for bins and in the future collection waste point on site.

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

93. **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.

94. **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.

95. **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.

NOTES:

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

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

96. **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.

NOTES:

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

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

97. **Fire Safety Notices**

The fire-isolated stairways, 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.

98. **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.

99. **Queuing Length**

Proposed driveway access shall be redesigned to provide adequate queue length. In this regard:-

- Adequate queuing length shall be provided within the subject development as per the requirements of sections 3.4 & 3.5 of Australian standard AS2890.1.

- Amended plans addressing the above shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

On completion of works, a compliance report prepared by suitably qualified professional engineers shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason:- to ensure development complies with Australian Standard AS2890.1.

100 **Storm water disposal**

All storm water runoff generated from the proposed development shall be directed to the storm water drainage system in Baywater drive.

Reason:- to prevent localised flooding.

101 **Separation of Vehicular Entry/Exit**

Vehicular entrances and exits shall be separated physically and sign posted so they are clearly visible to motorists entering or leaving the site.

Reason:- to assist the safe movement of vehicles.

102 **Submission of full storm water disposal details**

Full storm water drainage details showing the proposed method of storm water collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved storm water plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2000 - Storm water Drainage" and "Australian Rainfall & Runoff 1987". In this regard:-

The proposed storm water system shall be generally in accordance with the storm water plans C-001, C-100, C-200, C-300, C-400, C-500, C-600, C-700, C-800 and C-900 issue B prepared by Wood and Grieve Pty Ltd.

Details of the proposed and existing street drainage system shall be shown on the plan.

Detail hydraulic grade line analysis shall be submitted in order to ensure proposed street drainage system is adequate to convey storm water runoff from the proposed development.

Proposed landscape area drainage plan showing the storm water pipes and surface level shall be submitted. Adequate levels shall be marked on the plan in order to ensure storm water runoff from the footpath area between the buildings is not directed towards the proposed buildings.

Amended plan showing above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Note: "Auburn Development Control Plans 2000 - Storm water Drainage" is available to

purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the storm water is suitably discharged.

103 **Drainage pipe size**

Proposed street drainage pipes shall be designed to cater for the 20 year ARI critical storm event with consideration that the site will be developed to 65 % impervious area. In this regard:-

- A designated emergency overland flow path shall be provided up to 100 year ARI storm event with a fifty percent (50%) blockage factor.
- Details shall be incorporated on the Storm water drainage plans for Construction certificate approval.

Reason:- to prevent localised flooding.

104 **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.

105 **Structural detailed design of the underground tank**

A detailed structural design of the proposed underground tank shall be submitted to the Council/ Principal Certifying Authority with the Construction Certificate.

Reason:- to ensure the structural stability.

106 **Ramp gradients**

Prior to the issue of construction certificate the plans and information shall be amended and noted to demonstrate the maximum gradient of the driveway access ramps shall not exceed 1 in 5 (20%).

Reason:- to ensure the access ramps comply with Council's DCP.

107 **Ramp intersections**

Prior to the issue of construction certificate the intersection of the basement aisle and access ramp shall be sown so that B99 and B85 vehicle can pass each other safely to comply with Clause 2.5.2 (c).

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

108 **Access Ramp gradients**

Details of the access ramp grades showing compliance with section 3.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along the inside and outside 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.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

109 **Headroom clearance**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In this regard a minimum 2.3m headroom clearance shall be provided and shown in a detail longitudinal section of curved ramps to a scale of 1:20, to 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 AS28890.1:2004.

110 **Works-as-Executed Plan**

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

- Whether all works have been completed generally with the approved drainage plans.
- Any departure from the approved plan and conditions.
- Any additional work that has been undertaken.
- Location, levels and sizes of pipes and pits.
- Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- Basement pump out 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 & A5 in the appendix of the "Auburn development control plans 2000 stormwater drainage" 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.

111 **Sight Distance and Driveway**

The driveway entry and associated road connection shall be designed in accordance with all relevant provisions of AS 2890 and shown in the plans prior to release of the Construction certificate.

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

112 **Works within Council controlled lands**

Drainage works

Within Council controlled lands connecting to Council's storm water drainage system.

Inspections will be required:-

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

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.

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

Reason:- to ensure works on public/Council controlled lands are carried out as per Council's requirements.

113 **Service relocation / Adjustment**

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

Reason:- to protect utility services.

114 **Sediment control**

Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

115 **Access to Public Road**

An occupation certificate shall not be issued for the development until such time as the approved vehicular access to a public road has been constructed and completed.

Reason:- to ensure access to public road is provided.

116 **Traffic Management**

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

Reason:- to ensure a traffic management plan is in effect during the construction phase.

117 **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.