
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-308/2010
Property: 41-45 Hill Road, WENTWORTH POINT
Description: Construction of 4 to 8 storey residential flat building consisting of 138 apartments above 2 levels of basement car parking with associated landscaping and drainage works - Integrated Development (Water Management Act 2000) (Block D)

1. **The following “Deferred Commencement” conditions are applied and must be satisfied before the consent can operate:-**

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

- DC1. Development consent must be granted to the public domain works, which include the local road network over Lot 9 necessary to achieve vehicle access, as proposed under DA-462/2010 or any other subsequent development application or modification for these works.
- DC2. Development consent must be granted for Torrens Title Subdivision of Lot 9 into 5 smaller Lots, as proposed under DA-109/2011 or any other subsequent development application or modification for these works.
- DC3. Development consent must be granted to the residential flat building known as Block C within Lot 9, as proposed under DA-309/2010 or any other subsequent development application or modification for these works to ensure access is provided.
- DC4 That evidence of registration of the covenant stating that the total floor space in Precinct F shall not exceed 227,484m² (i.e. 236,842m² (total floor space for Precinct F) – 8994m² (floor space transferred from Precinct F to Precinct C)) shall be provided to the Council.

2.

B) Conditions to be satisfied throughout the term that the consent remains valid:-

Approved Plans – Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, **except as modified by the deferred commencement condition of approval:**

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
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DA001 – Site staging Plan (as amended in red)	Turner + Associates	A	25/3/2011
DA002_1 – Interim site context & analysis (Block D)	Turner + Associates	D	25/3/2011
DA002_2 – completion site context & analysis (Block D)	Turner + Associates	D	25/3/2011
DA010 – Level 0	Turner + Associates	P	14/3/2011
DA011 – level 1	Turner + Associates	S	4/7/2011
DA012 – level 2	Turner + Associates	T	4/7/2011
DA013 – Level 3	Turner + Associates	V	4/7/2011
DA014 – Level 4	Turner + Associates	S	4/7/2011
DA015 – Level 5	Turner + Associates	T	4/7/2011
DA016 – Level 6	Turner + Associates	S	14/3/2011
DA017 – Level 7	Turner + Associates	T	4/7/2011
DA018 – Level 8	Turner + Associates	S	14/3/2011
DA019 – Roof	Turner + Associates	D	14/3/2011
DA020 – North & South elevations	Turner + Associates	F	14/3/2011
DA21 – East & West elevations	Turner + Associates	F	14/3/2011
DA30 – Section 1 & 2	Turner + Associates	F	14/3/2011
DA31 – Section 3 & 4	Turner + Associates	F	14/3/2011
DA01 – Landscape plan	Aspect Studios	C	22/7/2010
DA02 – Level 1 landscape plan (Block D)	Aspect Studios	C	20/7/2010
DA03 – Plant schedule (Block D)	Aspect Studios	C	20/07/2010
DA04 – Level 4 Roof garden (Block D)	Aspect Studios	C	20/7/2010
DA060 – Materials & colour board (Block D)	Turner + Associates	-	-
H-01 to H-09 – Drainage plans (Lot 9D)	Greenarrow Hydraulics P/L	A	20/7/2010
Basix Certificate Nos. 325461M & 325521M	NSW Planning	-	29/07/2010
Acoustic Report No. 2010673/1607A/R0/KS	Acoustic Logic Consultancy	-	16/07/2010
Waste Management Plan Lot 9D	McGregor Environmental Services	-	July 2010

The plans will not be “stamped” by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(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.

3. 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.

4. Auburn DCP 2007: Section 94 Development Contributions

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution 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.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

5. Auburn DCP 2007 – Homebush Bay West

A sum of \$ **523,282.86** 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	\$101,476.75
Open Space – District Acquisition and Embellishment	\$248,908.25
Community facilities	\$137,175.02
Plan administration	\$35,722.84
TOTAL	\$523,282.86

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

6. Issue of Construction Certificate

No Construction Certificate shall be issued until such time as Construction Certificate is issued for Block C for the construction of level 0, Level 1 and level 2 slab and all other works required for access to Block D.

Reason:- to ensure access to Block D.

7. Vehicle Access to Block D

Before any Occupation Certificate can be issued for Block D, the following matters must be completed:

- I. Registration of Stage 2 of the subdivision approved with DA-109/2011 (or any other subsequent DA for these works) including the required Right of Way over proposed Lot 104;
- II. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that the works in Stage 1 of DA-309/2010 (Block C) have been completed;
- III. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that the required components of DA-462/2010 (Civil infrastructure and public domain works) necessary to provide vehicle access from Hill Road to Block D have been completed.
- IV. Issue of a compliance certificate to the satisfaction of the Principal Certifying Authority, confirming that the Foreshore Street adjacent to the Foreshore Park is completed to the specification and satisfaction of Council.
- V. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that a shared zone is created and constructed to the north of Block C that would allow garbage truck access to the garbage collection loading area and disposal room at Block D.

Reason: to ensure all element of vehicle access to Block D are completed prior to the issue of any Occupation Certificate.

8. Staging Plan

That construction works including construction access to Block D shall be carried out in accordance with the approved construction staging plan no. DA001 prepared by Turner + Associates (as amended in red) revision A, and dated 25/3/2011.

Reason:- to ensure access to Block D.

9. Privacy – Windows/Balustrade

- South facing bedroom windows of units 201 and 206 and those in the same position/configuration on the floors above are to be fitted with privacy screens.
- The southern side of unit 701 balcony is to be provided with privacy screen to a minimum height of 1600mm.

Details are to be included on the plan submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason:- to minimize privacy impact on adjoining neighbours

10. Shared Zone for Garbage Truck Access

A shared zone shall be created and constructed on the northern side boundary of Block C that would allow only garbage truck access to the garbage collection loading area and disposal room at Block D. In this regards amended Waste Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason:- to ensure vehicular access to waste collection room.

11. **Controlled Activity Approval**

No Construction Certificate shall be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

Reason:- to ensure compliance with NSW Office of Water requirements.

12. **Department of Water and Energy (DWE) General Terms of Approval**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 308/2010 and provided by Council.

Any amendment or modifications to the proposed controlled activities may render the GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to the GTA will be required.

1. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
2. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
3. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
4. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Reason: To ensure the general terms of approval of the NSW Office of Water Integrated Approval are incorporated.

13. **Contamination Assessment and Validation**

In accordance with the recommendations of the letters prepared by Consulting Earth Science (CES) dated 13 December 2010 (reference CES100904-SHD-07-F) and 14 February 2011 [reference CES100904-SHD-07-F (Rev3)]. Further environmental analysis of the soils underneath and around the heavy vehicle maintenance workshop and the soil stockpiles is to be undertaken to confirm site is suitable for the proposed residential development. This

validation is to shall be undertaken following the demolition of the existing structures on the site and prior to the commencement of any earth works or construction works commencing on the site.

Based on the findings of the additional sampling a report shall be prepared and submitted to the PCA verifying the suitability of the site for the proposed residential development. The report shall be prepared by a suitably qualified consultant in accordance with relevant EPA guidelines. Where necessary a Remediation Action Plan (RAP) is to be prepared and submitted to Council for approval.

Reason:- to ensure the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act are complied with.

14. **Compliance with Submitted Acoustic Report**

All noise control measures specified in the Environmental noise acoustic assessment prepared by Acoustic Logic Consultancy dated 16 July 2010 (report 2010673/1607A/R0/KS), 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 protect the amenity of intended occupants and the surrounding land uses

15. **Acoustic Certification**

Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contain in the Environmental noise acoustic assessment prepared by Acoustic Logic Consultancy dated 16 July 2010 (report 2010673/1607A/R0/KS). Where the criteria are not meet the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- to protect the amenity of intended occupants and the surrounding land uses

16. **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 ensure compliance with the Building Code of Australia

17. 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.

18. 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.

19. 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

20. **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.

21. **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.

22. **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.

23. **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.

24. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). 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

25. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

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

26. **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.

27. **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.

28. **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.

29. 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.

30. 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.

31. Separate Development Consent

No signs, whether for advertising, directory or identification purposes or for any other purpose, are to be erected on the land without the written consent of Council having first been obtained.

Reason:- to limit and control advertising.

32. 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.

33. 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 (*not applicable to dwellings or outbuildings*)
- c) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage 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 AS 2890.1 – 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.

34. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

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

35. **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.

36. **PCA – Inspection of works – general & 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.

37. **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.

38. **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.

39. **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.

40. **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.

41. **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.

42. **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.

43. **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.

44. **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.

45. **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, 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.

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.

46. **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.

47. **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.

48. **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.

49. **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.

50. **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.

51. **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.

52. **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.

53. **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.

54. **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.

55. **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.

56. **Fill for residential premises**

- (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.

57. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plans prepared by (Turner + Associates) and endorsed plan Drawing Nos (DA010(P) & DA011(S)) dated (14/3/2011 & 4/7/2011 respectively), shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

58. **Number of Car Parking Spaces**

Total number of off-street car parking spaces to be provided to the development shall be in accordance with the requirements of the Homebush Bay West DCP. 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 carparking spaces shall be a minimum width of 2.6 m.

Carparking 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. Carparking spaces shall not be enclosed without the prior consent of council.

Reason:- to ensure there is sufficient car parking for the development and to comply with Auburn Parking & Loading DCP.

59. **Signs for visitor and employee parking**

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

Reason:- to delineate the spaces suitable for visitor and employee parking.

60. **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.

61. **Car Wash Bay**

An open service area measuring at least 7.6 metres x 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. **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.

67. **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.

68. **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.

69. **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.

70. **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.

71. **Car park entry / exit and ramp intersection designs**

The following intersection and access ways shall be redesigned in such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c) of Australian Standard AS 2890.1:

- a. Intersections of the basement aisle and the access ramps
- a. common car park driveway access to block D through Block C

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.

72. **Redesign of parking layout**

Parking spaces shall be clear of any obstructions. In this regard,

- a. Width of the parking space located next to any obstruction shall be increased by 300mm. If the side of the parking space is restricted by wall or kerb higher than 150mm high, minimum 300mm additional width shall be provided for door opening in accordance with AS2890.1
- a. Column off sets shall be marked on the plan. Column locations shall comply with section 5 of the AS2890.1 Otherwise minimum 300mm clearance to the columns shall be provided.

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

Reason:- to ensure parking layouts comply with Australian Standard AS2890.1.

73. **Redesign of disable parking**

Disable parking space shall comply with AS2890.6. Amended plan showing details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Reason:- to ensure disable parking spaces comply with Australian Standard AS2890.6.

74. **Stormwater Disposal**

All stormwater runoff generated from the proposed development shall be directed to the stormwater drainage system in Homebush Bay.

Reason:- to prevent localised flooding

75. **Submission of full 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 shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2000 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In this regard,

The proposed stormwater system shall be generally in accordance with the stormwater plans **H-01 to H-09 (Block D) dated 20. 07. 2010 prepared by Turner Associates.**

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

It appears stormwater runoff from the footpath and landscape area in the centre court area will enter into Lobby 1, 2, 3 & 4. In this regard, detail drainage plan showing the proposed stormwater pit size and levels 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 - Stormwater 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 stormwater is suitably discharged.

76. **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.

77. **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,

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

certificate approval.

Reason:- to prevent localised flooding

78. **Ramp gradients**

Maximum gradient of the driveway access ramps shall not exceed 1 in 5 (20%). In this regard, detail 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 Council's DCP.

79. **Ramp intersections**

The intersection of the basement aisle and access ramp shall be designed in such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c). In this regards, swept path analysis shall be submitted.

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

80. **Access Ramp gradients**

Access ramp grades shall comply 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.** Copy of the approved plan shall be submitted to Council.

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

81. **Headroom clearance**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890, minimum 2.2m headroom clearance shall be provided for cars and minimum 4.5 headroom shall be provided for the waste collection trucks.

In this regard detail 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.** Copy of the approved plan shall be submitted to Council.

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

82. **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) :

- 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) 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.

83. **Sight Distance and Driveway**

The driveway entry shall be design in accordance with AS 2890.1 2004. Prior to release of the Construction certificate, a compliance certificate from a practising civil/traffic engineer shall be submitted to Council. The above compliance certificate shall state that the Driveway design shall comply with section 3.2.4 of AS 2890.1 2004.

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

84. **Works within Council controlled lands**

For drainage works:

- Within Council controlled lands.
- Connecting to Council's stormwater 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.

85. **Water Quality**

All stormwater runoff from the development shall be directed through oil and silt arrestor, capable of removing hydro-carbons, prior to discharging into the Council's stormwater system. All associated cost shall be borne by the applicant.

Reason:- to avoid pollution of the waterways and drainage system

86. **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

87. **Road and footpath construction**

Road and footpath surrounding the development shall be constructed in accordance with Council approved plans **prior to the issue of any Occupation Certificate.**

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

88. **Access to Public Road**

Prior to the issue of any Occupation Certificate vehicular access to Hill Road shall be provided. In this regard,

- The access way including access through the proposed building "C" shall be completed.
- All required right of ways shall be created to the satisfaction of Council.

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

89. **Traffic Management**

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

Reason:- to assist the safe movement of vehicles

90. **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.

91. **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.

92. **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.

93. **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.

94. **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.

95. **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.

96. **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.

97. **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.

98. **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.

99. **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.

100. **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 *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.

101. **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.

102. **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.

103. **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.

104. **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 valve, 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.

105. **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.

106. **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.

107. **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.

108. **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.

109. **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.

110. Television Aerial/Satellite Dish

A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

Reason:- to ensure the provision of these services does not impact on the finished appearance of the development.

111. Child Resistant Barrier

The proposed swimming pool shall be surrounded by a fence having a minimum of 1200 mm, measured from the outside of the enclosure with any space beneath not exceeding 100 mm:-

- a) that forms a barrier between the swimming pool; and
 - i) any residential building situated on the premises;
 - ii) the remainder of the premises; and
 - iii) any place (whether public or private) adjacent to or adjoining the premises; and
- b) that contains within its bounds no structure apart from the swimming pool and such other structures (such as diving boards and pool filtration plants) as are wholly ancillary to the swimming pool; and
- c) that is designed, constructed and installed in accordance with Australian Standard 1926.1 - Fences and Gates for Private Swimming Pools and the Swimming Pools Act 1992 and regulations.

Reason:- to ensure that the level of protection intended by the Child Resistant Barrier is provided.

112. Treatment of Existing Boundary Fencing

Where an existing boundary fence has components that could be used as holds for climbing, a smooth barrier having a minimum width of 1.2 metres externally and 0.3 metres internally of the pool enclosure, shall be installed to the boundary fence, at the point of intersection with the pool safety fence.

Reason:- to prevent a possible foothold being gained by the existing fence rails.

113. Maintenance of Fencing

It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard shall be given to the effect that landscaping will have on the future effectiveness of security fencing.

Reason:- to ensure that level of protection intended by the child resistant barrier is maintained.

114. Resuscitation Poster

A poster prepared by the Royal Life Saving Society on expired air resuscitation shall be exhibited in a prominent position adjacent to the pool.

Reason:- to aid in the case of a life threatening emergency.

115. Discharge of Pool Waste Water

Swimming pool waste water shall be discharged into the sewers of Sydney Water in accordance with their requirements.

Reason:- to prevent a potential nuisance arising from the discharge.

116. Pool Pump/Filter Noise

The pool pump/filtration equipment shall be sited well clear of adjacent dwellings and shall be effectively acoustically treated and shall only be operated between the following hours:

- Monday to Saturday (other than a Public Holiday): 7.00am - 8.00pm
- Sunday and Public Holidays: 8.00am - 8.00pm

You are advised that should noise levels exceed 5dBA above the ambient noise level measured at the boundary, you will be required to enclose the filtration motor in an effective sound proof unit.

Reason:- to prevent offensive noise occurring and to comply with the Protection of the Environment (Noise Control) Regulation 2000.

117. 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.

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

A Waste Management Plan shall be submitted to the PCA for. 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.

119. **Waste Collection**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997*. Records shall be kept of all waste disposal from the site.

Reason:- to ensure waste is properly disposed of.

120. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the garbage storage area. 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.

121. **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.

122. **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.

123. **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.