
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-485/2010
Property: 88-90 Water Street, AUBURN
Description: Construction of a new 4 storey building for use as a medical training and research facility with associated site works (Crown Development)

1. Approved Plans

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Site plan DA080	Design Inc	7	10.11.10
Lower ground floor plan DA100	Design Inc	15	10.11.10
Ground floor plan DA101	Design Inc	15	10.11.10
First ground floor plan DA102	Design Inc	15	10.11.10
Second floor plan DA103	Design Inc	15	10.11.10
Roof plan DA104	Design Inc	13	20.12.10
North & East elevations DA200	Design Inc	10	8.11.10
South & West elevations DA201	Design Inc	11	10.11.10
Sections DA250	Design Inc	15	20.12.10
Sections DA251	Design Inc	14	20.12.10
Face sheet C001	Bonacci Group P/L	3	1.02.11
Pavement plan C002	Bonacci Group P/L	3	1.02.11
Site works & drainage plan C003	Bonacci Group P/L	4	8.02.11
Site works & ground floor C004	Bonacci Group P/L	3	1.02.11
Standard details C005	Bonacci Group P/L	3	1.02.11

Erosion & sediment control plan C006	Bonacci Group P/L	3	1.02.11
OSD, ramp & site details C007	Bonacci Group P/L	4	8.02.11
Landscape plan L-01	Ray Fuggle Associates	A	28.10.10
Materials & finishes schedule DA910	Design Inc	-	-

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

Note:

- The findings of the Preliminary Environmental Site Assessment for 88-90 Water Street Auburn, prepared by Argus Australia, dated May 2010 shall be adopted for this Development Consent.
- The Acoustic report including all recommendations prepared by Wilkinson Murray dated 8 November 2010, WM project no. 10269, ref 101101M regarding the University of Notre Dame, Auburn Hospital Mechanical Plant shall be adopted for this Development Consent.
- The Geotechnical Investigation report with all findings and recommendations for 88-90 Water Street Auburn prepared for the University of Notre Dame Australia, report no. GS3353-1A, dated 28 April 2010 shall be adopted for this Development Consent.

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

2. Time period of consent

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

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

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

3. 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.

4. **Auburn DCP 2007 – Employment Generating Development**

A sum of \$ **64,340.00** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

Item	Amount
Employment Generating Development	\$64,340.00
TOTAL	\$64,340.00

Reason:- to assist in the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

5. **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.

6. **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.

7. **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.

8. **Disabled access & facilities**

Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of Part D3 and F2 of the Building Code of Australia and AS1428.1 (Design for Access & Mobility - General requirements), AS1428.4 (Tactile Indicators) and 2890.1 (Car Parking).

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

9. **Commonwealth Disability Discrimination Act**

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

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

10. **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.

11. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the commencement of works.

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

12. **Maintain plans on-site**

A copy of 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.

13. 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.

14. 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.

15. Fencing of Construction Sites – Rental details to be provided

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 prior to commencement of works.**
- **Comply with Council's specifications for the erection of Class A or B**

Hoardings as necessary.

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

16. 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.

17. 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.

18. 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.

19. **Footpath area to be illuminated**

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

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

20. **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.

21. **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.

22. **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.

23. **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.

24. **Car parking requirements**

A minimum of 17 parking spaces shall be provided for the development (in addition to the proposed parking allocated for Ambulance Officers) within the adjacent Auburn Hospital car park. The allocation of the 17 spaces within the Auburn Hospital car park shall be bound by a legal agreement with a minimum 20 year lease arrangement.

The lease arrangements shall be finalised with the required parking made available prior to the occupation of the development.

Full details of the proposed lease arrangements and a copy of the lease agreement shall be forwarded to Council.

Reason:- to ensure that adequate parking is provided for the development.

25. **Lower ground parking layout**

The proposed entry, exit and parking layout shall be modified as follows in order to improve the safety of pedestrians:-

- a) Car park entry to the building shall be via the western driveway;
- b) Car park exit from the building shall be via the eastern driveway;
- c) Eastern driveway gradient shall comply with AS2890.1 requirements;

Reason:- to ensure that parking layout complies with standards AS 2890.1 & AS 2890.2.

26. **Headroom clearance**

A minimum of 3.5 metres headroom clearance shall be maintained at the driveway entry and exit as shown on the approved plans.

Reason:- to ensure the access ramps comply with Australian Standard AS 2890.2.

27. Stormwater Disposal

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention System prior to being discharged to Council's existing stormwater pipe system in Water Street.

Standard kerb inlet pit shall be constructed at the point of connection to Council's pipe system.

Reason:- to ensure that stormwater is suitably discharged and prevent localised flooding.

28. Submission of Stormwater Disposal Details

Full stormwater details shall to be prepared by a suitably qualified person and must be in accordance with Auburn Development Control Plan 2010 – Stormwater Drainage and the Australian Rainfall & Runoff 1987. In this regard,

- OSD storage volume and discharge rate shall be 30.52m³ and 15.0L/S respectively.
- Stormwater from the downpipes shall be connected to rainwater reuse tank. Minimum 10,000m³ rainwater tank shall be provided.
- All access grates to the onsite detention facility shall be 900x900 with double (2/900x450) hinged grates.

Reason:- to ensure the stormwater is suitably discharged.

29. Stormwater disposal – on-site detention

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with "Auburn Development Control Plans 2000 - Stormwater Drainage". Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building.

Note:

1. Positive covenant wording shall be obtained from Council prior to lodgement.
2. Work as executed plan shall be accompanied by relevant checklists.

Reason:- to prevent localised flooding by ensuring the detention system is maintained as designed.

30. 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.

31. **Works-as-Executed Plan**

Prior to occupation of the building, 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.
- vii) The basement pump-out storage volumes.

NOTE: The WAE surface level shall be taken after all landscaping has been completed.

In this regard,

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the Auburn Development Control Plans 2010 – 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.

32. **Maintenance schedule – OSD**

Prior to the use of the building commencing, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater works-as-executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason:- to ensure the on-site detention facility is in good working order.

33. **Annual maintenance inspection of OSD**

Annual maintenance inspection summary of the on-site detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner.

Reason:- to ensure the on-site detention facility is in good working order.

34. **Sight Distance and Driveway**

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

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

35. **Surface runoff/Overland flow**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

Reason:- to prevent adverse impact on adjoining properties.

36. **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.

37. **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 occupation of the building.

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.

38. **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 occupation of the building.

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

39. **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.

40. **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.

41. **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.

42. **Works within Council controlled lands**

1) For drainage works:

- a) Within Council controlled lands
- b) Connecting to Council's stormwater drainage system.

Inspections will be required:

- i. After the excavation of pipeline trenches.
 - ii. After the laying of all pipes prior to backfilling.
 - iii. After the completion of all pits and connection points.
- 2) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
- 3) Work is not to proceed until the works are inspected and approved by Council.

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

43. **Footpath Construction – Water Street and Hargrave Road**

A new footpath along the frontage of Water Street and Hargrave Road shall be constructed to Council's standards and specifications. In this regard,

- Detail design of the footpath shall be submitted and approved by Council.
- A 1.2m wide concrete footpath shall be constructed across the full frontages of the subject property to Council's standards and specifications.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- The existing nature strip shall be regarded to design level.
- The proposed footpath shall be 300mm away from the boundary line.
- The nature strip shall be turfed.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to the use of building commencing.

Reason:- to provide a safe footpath for increased pedestrian use.

44. **Water quality**

All stormwater runoff from the commercial car parking and non-landscaped areas shall be directed through oil and silt arrestor, capable of removing hydro-carbons, prior to discharging into the Council's stormwater system. All associated costs shall be borne by the applicant.

Reason:- to avoid pollution of the water ways and drainage system.

45. **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.

All costs shall be borne by the applicant.

Reason:- to protect utility services.

46. **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 Auburn Hospital Car Park. All designated visitor and employee parking spaces within the Auburn Hospital Car park shall be clearly sign marked.

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

47. **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.

48. **Sediment control**

Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from

the site. The measures shall be in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004.

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

49. **Traffic Management (construction phase of development)**

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

Reason:- to minimise the impact on street traffic.

50. **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.

51. **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.

52. **Removal of Litter**

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

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

53. **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.

54. **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.

55. **Materials and Finishes**

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

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

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

56. **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 LAeq,period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above 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.

57. **Intruder Alarms**

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

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

58. **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.

59. **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:

- 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.

60. **Use of building not to commence until conditions of consent satisfied**

The use of the premises is not to commence until all terms of this consent have been satisfied.

Reason:- to ensure compliance with the terms of the development consent.

61. **Graffiti and Vandalism Rectification**

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

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

62. **Cleaning of facade**

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

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

63. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

- a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

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

64. **General Health Requirements**

1. ***Warm water systems:***

Should a thermostatic mixing device used to regulate hot and cold water to the basin(s) be installed, the following requirements are to be met:

- i. The thermostatic mixing valves are to be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The “fail safe” mixing valves are to be installed.
- ii. A copy of the commissioning report for the thermostatic mixing valve is to be submitted to Council with an additional copy kept on the premise. Note: *The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.*
- iii. The thermostatic mixing valve is to be registered with Council as a warm water

system in accordance with the provisions of the NSW Public Health Act, 1991 and the Public Health (Microbial Control) Regulation 2000 for the control and prevention of Legionnaires Disease

Should any cooling towers or any other warm water systems or water cooling systems be installed within the subject development, they shall be registered with Council in accordance with the provisions of the NSW Public Health Act, 1991 and the Public Health (Microbial Control) Regulation 2000 for the control and prevention of Legionnaires Disease. The on-going operation and maintenance of any such systems shall comply with Public Health Act, 1991, the Public Health (Microbial Control) Regulation 2000 and the Australian Standards AS 3666.

2. Waste management

Contaminated, clinical or pathological wastes shall be stored, handled, transported and disposed of in accordance with the requirements of the NSW Department of Environment Climate Change and Water and in accordance with the requirements of the NSW Health Department, the Protection of Environment Operations Act, 1997 and AS3816:1998 "Management of Clinical and Related Wastes".

3. Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an offensive noise as defined under the provisions of the Protection of Environment Operations Act, 1997. Should Council receive requests regarding offensive or intrusive noise, Council may request an acoustic assessment conducted by a suitably qualified acoustic consultant with mitigation measures to be installed.

- a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
- b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

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

4. Medical Consulting rooms

- i. All hand wash basins are to be provided with an adequate supply of potable water at a temperature of at least 37 °C mixed from a hot and cold water supply. Each hand wash basin is to be supplied with soap and single use towels located next to it.
- ii. A sink, which is separate to any hand wash basins are to be provided for the washing of equipment only. The sink is to be provided with an adequate supply of potable water from a hot and cold water supply.
- iii. The walls and floor of the premises are to be constructed with an approved smooth impervious material capable of being easily cleaned.
- iv. The walls immediately behind any sink or wash basin shall be tiled to a height of 450mm and for any distance of 150mm on either side of the basin. Alternatively use another type of approved impervious surface so as to be easily cleaned.
- v. A sharps container shall be provided for the storage of used sharps such as

needles and lancets. *Note: It is an offence under the Protection of Environment Operations Act to dispose of sharps in the general waste.*

- vi. No other disinfectant other than a chemical Disinfectant listed in the Australian Register of Therapeutic Goods (ARTG) is to be used on the premises. A chemical disinfectant on the ARTG will have a registration certificate issued by the Therapeutic Goods Administration.

Reason:- to ensure compliance with Council's Health Requirements.

65. **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.

66. **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.

67. **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.

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.

68. Tree Protection

- a) Prior to the commencement of any works on the site, a Tree Protection Zone (TPZ) shall be established around all trees, including street trees, which are to be retained in accordance with the approved plans. The TPZ shall extend to a radius that is 10 times the diameter of the trunk of each tree. The measurement of the trunk shall be taken 1.5m from ground level.

The area shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing, this must include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details. Unless an area is already covered by a hard surface, the area enclosed by the TPZ is to be kept weed/ grass free and be mulched to a depth of 100mm with an approved mulch.

Reason:- To ensure protection of existing street trees and trees on the site.

- b) All activities not related to tree maintenance are not to be conducted within the TPZ. The area is not to be used for the storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking. Original soil levels within the TPZ shall not be changed, except where Council approval has been granted for cut or fill within a TPZ, and in this case the work shall be supervised by the appointed Site Arborist.

Refuelling and/ or the maintenance of machinery and equipment is not permitted within 10 metres of any TPZ. The washing down of machinery, chemical, concrete

or cement handling equipment or the storage of chemicals is not permitted within 10 metres of any TPZ.

Placement of any underground services shall not take place within any TPZ. Where this is not possible, tunnelling or boring shall be used. Where tunnelling or boring is not possible, all excavation shall be carried out by hand. Any works within the TPZ shall be supervised by the appointed site arborist.

All approved works to trees must be carried out by a suitably qualified arborist and in accordance with Australian Standard 4373-1996 "*Pruning of Amenity Trees*".

Roots with a diameter of 40mm or larger encountered during excavation works outside the TPZ shall be cleanly cut in accordance with accepted arboriculture practices.

Reason:- To ensure protection of existing street trees and trees on the site.