
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-287/2011
Property: 2-8 Vaughan Street & 1 Kerrs Rd, LIDCOMBE
Description: Demolition of existing structures and construction of 8 storey mixed use development comprising of 108 residential units and 16 ground floor commercial tenancies over 2 levels of basement carparking with stormwater and landscaping works and strata subdivision.

1. **A) 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 1979, this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

Three (3) copies of amended site plan and additional documentation prepared substantially in accordance with the plans and documentation nominated in Condition 2 are to be submitted to Council for approval, incorporating the following;

1. Compliance with Floor Space Ratio of clause 4.4 of the Auburn Local Environmental Plan 2010

The development shall not exceed a maximum floor space ratio of 3.4:1 in accordance with clause 4.4 of the Auburn Local Environmental Plan 2010.

The additional floor area of 257 square metres proposed shall therefore be deleted and amended plans shall be submitted to demonstrate a reduction in the overall floor space ratio to ensure that the proposed development complies with the above requirement.

Reason:- to ensure compliance with clause 4.4 of the Auburn Local Environmental Plan 2010.

2. Hydraulic engineer design certificate

A Written verification from hydraulic engineer shall be obtained, stating that:

- a) The subject development complies with Chapter 6 of ‘Auburn Development Control Plans 2000 – Stormwater Drainage’. In this regard, supporting documents shall be submitted in order to ensure that the development complies with the controls in Table 5 of Auburn Development Control Plans 2010 – Stormwater Drainage. Each of the following matters required in the table shall be addressed.
- b) The development does not cause any adverse impact on adjoining properties as a result of impact and Stormwater runoff.

Reason:- to ensure that there is no adverse impact on properties in the vicinity.

3. Realignment of Council's stormwater channel

The existing drainage pipe traversing the site shall be relocated into the public domain to Council's standards. All costs shall be borne by the applicant. In this regard,

- a detailed design of the pipe diversion shall be submitted to and approved by Council.
- Detail hydrologic and hydraulic calculations shall be submitted for the proposed realignment of existing Council's stormwater channel.
- Detail cross section and longitudinal section of the pipes indicating the depth and location of all services within the area affected by the proposed realignment shall be submitted.

If any relocation or realignment of the any services is required as part of the stormwater works, written consent from relevant authority shall be submitted as part of the submission.

Reason:- to ensure capacity of the realigned channel is adequate and proposal is feasible.

4. Stormwater disposal

Full stormwater drainage details showing the collection and disposal of all stormwater, including incorporation of the requirements set out in the general conditions shall be submitted to Council. Stormwater connection to Council's system shall be reduced to two outlets. The stormwater documentation shall be in accordance with "Auburn Development Control Plans – 2010" and "Australian Rainfall and Runoff 1987."

Reason:- to ensure the proper collection and disposal of stormwater.

5. Parking layout and access ramp

Amended parking layout and access ramp plans addressing following matters shall be submitted:

Entry ramp:

- a) Change in alignment of the ramp shall be joined by appropriate curves. Curved section of the ramp width, radii and installation of median shall comply with Australian Standard requirements. Radius of inside curve shall be minimum 4.0m. In this regard, swept path analysis showing simultaneous entry and exit of the B99 and B85 cars shall be shown on the plan.

Car entry and exit paths shall be perpendicular to the property boundary.

Parking layout:

- b) Parking space C24 shall be converted as accessible parking space.
- c) 'Give Way' sign shall be provided in aisle that serves parking spaces R13 to R26 in basement level 02 and aisle that serves parking spaces R16 to R29 in basement level 1 in order to minimise the conflicts in traffic movements.

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- d) A turning bay shall be provided at the blind aisle that is located within the commercial parking area. In this regard parking space C33 shall be relocated towards southern basement wall.
 - e) Proposed small car spaces shall be redesigned to accessible are not acceptable. In this regard following matters shall be addressed:
 - i. Small car spaces R47, R52 & R54 in Basement level 1 and R44, R49 & R51 in Basement level 2 shall be used for storage facility.
 - i. Storage area behind parking spaces C17, C19, C21 & C23 in basement level 1 and R55, R57, R59 & R61 in basement level 2 shall be relocated to above storage areas and parking spaces shall be converted to standard car parking spaces.
 - ii. Storage area behind the parking spaces R41, R43& R45 in basement level 1 and R38, R40 & R42 in basement level2 shall be reduced and parking spaces shall be converted to standard size parking spaces.
 - iii. The overhead storage provided within the parking bays shall be removed and relocated to suitable locations.
 - f) Minimum 1.0m offset (blind aisle extension) shall be provided between security gate alignment and the parking spaces R9, C16 and C1 in accordance with Australian standard AS2890.
 - g) The width of the security gate shall match with aisle width.

Access ramps:

- h) Proposed median within straight ramp shall be removed from the straight ramps.
- i) Parking space widths shall be marked on the plans. Width of the visitor parking space shall be minimum 2.6m.
- j) Minimum 2.2m headroom clearance shall be provided. Head room shall be measured perpendicular to the wheelbase as shown on the Figure 5.3 of AS 2890.1. Head room details shall be marked on the plan. In this regard, detail longitudinal sections of the basement access ramps to a scale of 1:20, shall be submitted. Ramp grade and levels shall be marked on the plans.
- k) The intersection of the basement aisles and the access ramps shall be designed such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c). In this regard detail swept path analysis shall be provided.
- l) Longitudinal sections showing the headroom clearances over parking spaces R52 and R53 shall be submitted to ensure adequate headroom clearance is provided.

Reason:- to ensure parking layout and access ramps comply with Council's Parking and Loading DCP and Australian Standard AS2890.1.

6. Laneway design

A separate plan showing the carriageway, footpath and layback crossing and associated signage shall be submitted to Council. The design shall be prepared in consultation with Council Engineering Department.

Reason:- to ensure adequate laneway width is provided.

7. Design changes to waste storage rooms

Residential waste storage shall be provided to Council's satisfaction as follows:

- The proposed waste storage area located at the rear of shop 2 and adjacent to the loading area; as shown on the ground floor plan of drawing no. 103.DA, revision J, dated 17.05.12, shall be a designated collection point for the temporary storage of residential waste bins awaiting collection.
- Separate waste collection rooms shall be provided for commercial and residential waste.
- All waste shall be kept within the premises and all collection shall be carried out within the property.
- The proposed communal residential waste storage room for Building B located adjacent to shop 16 and Lift 3 shall be amended to comprise a minimum area 30 sqm to ensure adequate and appropriate storage space for residential waste.
- The proposed communal residential waste storage room for Building B located adjacent to shop 12 and Lift 2 shall be amended to comprise a minimum area of 30 sqm to ensure adequate space for the storage of waste.
- The on-going waste management plan of drawing no. 802.DA, revision B, dated 17.05.12, shall be amended to reflect the above design changes to the waste storage rooms.

Reason:- to ensure adequate space for the housing of sufficient commercial and residential containers to accommodate the quantity of waste and recyclable material generated.

8. Amended Landscape plan

The landscape plan shall be amended to reflect the ground floor and level 2 plan.

Reason:- to ensure consistency with all plans.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of **365 days**, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

2. **B. General conditions:**

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>
001.DA Site/roof plan	Le design studio	D	05.06.12
102.DA B1 basement plan Lvl 1	Le design studio	E	09.12.11
101.DA B2 basement plan Lvl 2	Le design studio	C	09.12.11
303.DA Basement carpark section	Le design studio	A	04.06.12
103.DA Ground floor plan	Le design studio	J	17.05.12
104.DA Floor plan Lvl 1	Le design studio	F	09.12.11
105.DA Floor plan Lvl 2	Le design studio	E	09.12.11
106.DA Floor plan Lvl 3	Le design studio	C	09.12.11
107.DA Floor plan Lvl 4 - 7	Le design studio	E	09.12.11
110.DA Adaptable units	Le design studio	A	22.02.12
111.DA Adaptable units	Le design studio	A	22.02.12
L-01/2 Landscape plan	Ray fuggle & Associates	A	07.07.11
L-21/2 Lvl 2 Planter box	Ray fuggle & Associates	A	07.07.11
Landscape maintenance program	Ray fuggle & Associates	-	-
W2089-C1 Stormwater layout basement level	Webcon structural & civil consultants	A	28.07.11
W2089-C2 Stormwater layout ground level	Webcon structural & civil consultants	A	28.07.11
W2089-C3 Long section – drainage in road	Webcon structural & civil consultants	A	28.07.11
W2089-C4 Stormwater layout level 1 - 3	Webcon structural & civil consultants	A	28.07.11
W2089-C5 Stormwater layout level 4 - 6	Webcon structural & civil consultants	A	28.07.11
W2089-C6 Stormwater layout level 7 & roof	Webcon structural & civil consultants	A	28.07.11

Basix Certificate no. 384328M	Assessor no. 20891	-	15.08.11
Assessor Certificate no. 83721270 Thermal performance specs	Assessor no. 20891	-	11.08.11
Materials & finishes	Le design studio	-	-

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 1979).

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 1979.

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.

A sum of \$ **589,966.58** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council’s administration of the development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$135,619.95
Public Domain	\$299,951.03
Accessibility and Traffic	\$82,662.72
Administration	\$31,742.88

Employment Generating Development	\$39,990.00
TOTAL	\$589,966.58

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 provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

5. **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 1979 and clause 142 of the Environmental Planning and Assessment Regulation 2000.

6. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

7. **No alteration without prior Council approval**

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

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

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

Site works are not to commence until:-

- a) a construction certificate for the building construction work has been issued by the

Principal Certifying 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 1979.

9. **Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint, the 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 1979.

10. **Provision of Street Numbers**

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

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

11. **Compliance with the Building Code of Australia**

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

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

12. **Insurance requirements under the Home Building Act 1989**

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

If the work is to be carried out as an owner-builder, an Owner-builder Permit must be obtained if the market value of the labour AND materials needed to complete the work is greater than

\$5,000 (or as varied from time to time by the Home Building Act 1989).

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

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

13. **Disabled Access & Facilities**

Access and facilities for people with disabilities must 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

14. **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

15. **Replacement of Principal Certifying Authorities**

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

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

Reason:- to comply with the requirements of Section 109EA of the Environmental Planning and Assessment Act 1979 and clause 162 of the Environmental Planning and Assessment Regulation 2000.

16. **Notice to Allow Inspections**

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

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

Assessment Regulation.

17. **Erection of Signs**

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

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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

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

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

18. **BASIX Requirements**

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

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

19. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

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

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

20. **Demolition of buildings**

The building/s shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off to Council's requirements.
- e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

21. **Demolition – Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

22. **Demolition Works – noise and vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

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

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, **prior to the granting of the construction certificate:**

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) 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*)
- d) 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).
- e) Method of protecting window/door openings as required by BCA Part 3.
- f) 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.

24. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Councils 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.

25. **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.

26. **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.

27. **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.

28. **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.

29. **Fencing of Construction Sites – Rental details to be provided to the Principal Certifying Authority**

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 Principal Certifying Authority and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A or B Hoardings.**

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

30. **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.

31. **Engineering Design – Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to the issuing of a construction certificate**:-

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

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

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

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

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

32. **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.

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

- (a) A dilapidation report prepared by a *professional engineer* or suitably qualified building professional shall be submitted to the Principal Certifying Authority **prior to the commencement of demolition, excavation or building works**.

The report shall detail the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

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

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

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

34. **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.

35. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any 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
 - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve

rental fee has been paid.

Note: 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.

Note: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

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

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. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

Reason: to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

36. **Sediment control**

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

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

37. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

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

38. **Dial before you dig**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential

services we use everyday – electricity, gas, communications and water.

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

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

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

39. **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.

40. **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.

41. **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.

42. **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.

43. **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.

44. **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.

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 the costs shall be borne by the applicant.

Reason:- to protect utility services.

46. **Works within Council controlled lands**

(1) For drainage works:

- a) Within Council controlled lands.
- a) 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.

47. **Colonnade structure**

- a) The colonnade structure shall be constructed along the Joseph street frontage to allow for the passage of flooding as per the Flood Impact Study dated 03. 05. 2012 prepared by

Bewsher Consulting.

- b) The kerb and gutter levels shall not be raised.
- c) Details demonstrating compliance with the above requirement shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Reason:- to ensure that there is no adverse impact on properties in the vicinity.

48. **Laneway Design**

Prior to the issue of any construction certificate, detail design of the proposed laneway shall be approved by Council.

In this regard,

- The design shall be prepared in consultation with Council Engineering Department
- The plan shall approved by Council.
- The design works shall incorporate the whole width of 6 metres.
- The design shall include pavement, kerb, footpath layback crossing, street lighting etc.

Reason:- to ensure design comply with Council's requirement.

49. **Laneway construction and dedication**

Prior to the issue of any occupation certificate, the proposed new laneway and associated works shall be constructed in accordance with the approved plan to Council's standards and specifications. In this regard:-

- All associated inspections shall be carried out by Council.
- All associated costs shall be borne by the applicant.

Reason:- to provide for satisfactory vehicular access.

50. **Land dedication**

Prior to the issue of the any occupation certificate, a 3.0 metre wide land along the western boundary shall be dedicated as public road to Council at no cost to Council. Detailed subdivision plan shall be submitted to Council and all associated fess shall be paid by the applicant.

Reason:- to provide for satisfactory vehicular access.

51. **Stormwater Disposal**

All stormwater runoff generated from the proposed development shall be directed to Council's stormwater system in accordance with approved concept plan.

Reason:- to ensure that stormwater is suitably discharged.

52. **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 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In this regard, proposed stormwater system shall be generally in accordance with the approved stormwater concept plan.

Note: "Auburn Development Control Plans 2010 - 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.

53. **Finished floor levels**

The proposed building, the basement access ramp and any other entrance to the basement shall have an appropriate freeboard to the top water level of 100 year ARI storm event. Details and associated compliance shall be submitted as part of Construction certificate application.

Reason:- to ensure compliance with Council's Stormwater Drainage chapter of the Auburn Development Control Plan 2010.

54. **Survey Report**

Prior to pouring concrete, and after pouring concrete a survey report shall be obtained from a registered surveyor at the following stages to ensure that the finished level will comply with the approved levels/grades.

- Prior to pouring of any driveway ramps with in the basement.
- Prior to the construction of the basement crest.
- Prior to the pouring of the slab with respect to the public walkway from Kerr Parade to Vaughan Street. The levels shall comply with the levels as required by the flood report.

Reason:- to ensure that the finished levels complies with the approved plan.

55. **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.

56. **Structural detailed design of the underground tank**

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

Reason:- to ensure the structural stability.

57. **Engineer Certificate**

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work-as-executed plan.

Reason:- to ensure the system has been constructed Council's standards and specifications.

58. **Engineer Compliance**

A compliance certificate from a practising hydraulic engineer verifying that the construction of the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work-as-executed plan.

Reason:- to ensure the system has been constructed Council's standards and specifications.

59. **Basement drainage**

Basement drainage is to comply with "Auburn development control plans 2010 stormwater drainage".

In this regard,

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- a) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- b) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- c) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- d) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

60. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

In this regard minimum **10m³** capacity rainwater tank shall be provided.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason:- to ensure the water reuse facilities within the development are constructed and maintained in good working order.

61. **Footpath design – Joseph Street, Kerrs Road and Vaughan Street**

The footpath adjoining the site (all three frontages) shall be reconstructed in concrete unit paving in accordance with the **Auburn Council Town Centres Infrastructure Manual**. All associated costs shall be borne by the applicant. Site boundary levels shall be raised where necessary to eliminate any existing low-level footpath profiles, with satisfactory end-transitions provided.

- a) Prior to the issue of a Construction Certificate, detail footpath design shall be submitted and approved by Council's Works and Services section.
- a) Street boundary levels obtained from Council shall be incorporated in the design.
- b) All services shall be adjusted to relevant Authority requirements to the design levels.

Reason:- to provide a safe footpath for increased pedestrian use and one that will complement the Auburn Council requirements

62. **Footpath Construction – Joseph Street, Kerrs Road and Vaughan Street**

- a) Prior to the issue of an Occupation certificate the footpath adjoining the site shall be reconstructed in accordance with the Council approved plan to Council's Standard. all associated inspections shall be carried out by Council.
- b) All associated cost shall be borne by the applicant.
- c) All services shall be adjusted to relevant Authority requirements to the design levels.

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

63. **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.

64. **Sight Distance and Driveways**

The driveway entry/exit 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.

65. **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.

66. **Flood Risk Evacuation Plan**

A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times.

In addition applicant shall demonstrate that the development is consistent with any relevant DISPLAN or flood evacuation strategy.

The evacuation plan shall be submitted to and approved by Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason:- to ensure adequate evacuation procedures are implemented on the premises in the

event of flooding occurring on the site.

67. **Remediation and validation**

The following shall be complied with in respect of remediation and validation works at the property:

- a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consulting Reporting on Contaminated Sites*, and shall:
 - i) Describe and document all works performed;
 - ii) Include results of validation testing and monitoring;
 - iii) Include validation results of any fill imported on to the site;
 - iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
 - v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, **prior to the issuing of the Occupation Certificate**.

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

Reason:- to ensure the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act 1997 are complied with.

68. **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 Principal Certifying Authority immediately.

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

69. **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.

70. **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.

71. **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.

72. **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.

73. **Loading and Unloading of Vehicles**

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

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

74. **Minimum height clearance for carparking spaces and entry to basement carpark**

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.1 metres.

Reason:- to ensure vehicles and pedestrians can safely use the carparking facility and to comply with Roads and Maritime Services requirements.

75. **Protective bar to vehicular entry**

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

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

76. **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.

77. **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.

78. **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.

79. **Traffic Management**

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

Reason:- to minimise the impact on street traffic.

80. **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.

81. **State Environmental Planning Policy No. 65 – Design Verification**

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

- a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason:- to ensure that the requirements of State Environmental Planning Policy No. 65 and the EP&A Regulations are complied with in the carrying out of the development.

82. **Principal entrance opening hours**

The principal vehicular entrance to the building and commercial car park shall remain open during the operation of any of the approved commercial premises on the site.

Reason:- to ensure parking facilities are available for customers.

83. **Common Wall Construction**

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

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

84. **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.

85. **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.

86. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

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

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

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

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

88. **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.

89. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

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

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

90. **Separate development application for use including outdoor dining**

A separate development application for any proposed use and/or outdoor dining must be submitted for the approval of Council prior to any fitout or use of the ground floor level tenancies.

Reason:- To ensure that any proposed use has Council consent.

91. **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.

92. **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.

93. **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.

94. **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 1997 and all subsequent relevant Regulations.

Reason:- to ensure compliance with relevant regulations.

95. **Future use of commercial tenancies**

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial units in accordance with relevant Australian Standards in order to allow for the event that any of the commercial units are approved for future use as food premises or other uses that require mechanical ventilation.

Reason:- to ensure compliance with relevant Australian Standard requirements.

96. **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) No offensive noise should be audible inside any apartments between the hours of 10:00pm and 7:00am.

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.

97. **Air conditioning units – location and acoustics**

- a) 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.
- b) 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.

98. **Mail Box Structure**

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

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

99. **Suitable arrangements to be made for garbage and recycling services**

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

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

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

A Waste Management Plan shall be submitted to the Principal Certifying Authority for approval 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 must be 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.

101. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the basement/ 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.

102. **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.

103. **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.

104. **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.

105. **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.

106. **Fire Safety Notices**

fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of “Offences relating to fire exits”. The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

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

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

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

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

108. **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.