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**CONDITIONS OF DEVELOPMENT CONSENT**


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**DA No:** DA-318/2011  
**Property:** 8-14 Egerton Street, SILVERWATER  
**Description:** Demolition of existing buildings, removal of trees and construction of electronic data storage facility (including 24 hours operation) with associated car parking landscaping and drainage works

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**1. Approved Plans**

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

<b><i>Plan Number</i></b>	<b><i>Prepared By</i></b>	<b><i>Revision No.</i></b>	<b><i>Dated</i></b>
Drawing No. TP04 Demolition Plan	WatsonYoung	A	June 2011
Drawing No. TP05 Site Plan	WatsonYoung	A	February 2011
Drawing No. TP06 Site Analysis	WatsonYoung	A	February 2011
Drawing No. TP07 Staging Plan	WatsonYoung	A	February 2011
Drawing No. TP08 Ground Floor Plan	WatsonYoung	A	February 2011
Drawing No. TP09 First Floor Plan	WatsonYoung	A	February 2011
Drawing No. TP10 Second Floor Plan	WatsonYoung	A	June 2011
Drawing No. TP11 Elevations	WatsonYoung	B	June 2011
Drawing No. TP12 Elevations – Colour Scheme	WatsonYoung	B	June 2011
Drawing No. TP13 Site Section	WatsonYoung	A	June 2011
Drawing No. LPDA 12-46/1 Landscape Plan	Conzept Landscape Australia	C	12/08/2011
Drawing No. LPDA 12-46/2 Landscape Plan	Conzept Landscape Australia	B	10/08/2011
Loading Dock Management Plan	Unnamed	-	Undated
Standard Exterior Colours & Finishes	WatsonYoung	-	Undated
DA Noise Impact Assessment	SLR Consulting Australia P/L	1	8 August 2011

Noise Impact Assessment - Stage 1 Required Acoustical Treatments	SLR Consulting Australia P/L	-	2 September 2011
Drawing No. CG111513/-/SK/05 Stormwater and Pavement	Cardno	P5	01/09/2011
Drawing No. CG111513/-/SK/06 Sediment and Erosion	Cardno	P1	18/08/2011
Detailed Site Investigation Project No. 11004RP02_v02	Environmental Strategies	1	March 2011
Remedial Action Plan Project No. 11004c	Environmental Strategies	1	September 2011
Standard Security Design	Metronode	6	28/6/2011

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

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

2. **Staging of works**

The development shall be fully completed in accordance with the approved Stage 3B plan as per Drawing No. TP07, Rev A, dated February 2011 and prepared by WatsonYoung within 5 years of the date of this development consent.

Reason:- To confirm and clarify the terms of this development consent.

3. **Time period of consent**

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

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

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

4. **Stage requirements**

The condition contained within this development consent notice apply separately and individually to each and every stage of the development. In this regard, all site preparation works (including remediation and civil works), demolition, landscaping and the construction of the car parking area and associated ring road are to be completed as part of the Stage 1A works as nominated on Drawing No. TP07, Revision A, dated February 2011 and prepared by WatsonYoung. The car parking as detailed within stage 1 works are to be available throughout the operational and construction phases of the development.

Reason:- to ensure essential services and facilities are available to the site to facilitate

subsequent stages.

#### 5. **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 any Construction Certificate for Stage 1A of the development.

A sum of **\$1,652,310.00** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

<b>Item</b>	<b>Amount</b>
Employment Generating Development	\$1,652,300.00
<b>TOTAL</b>	<b>\$1,652,310.00</b>

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

#### 6. **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.

#### 7. **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.

8. **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.

9. **Demolition – common sewerage system**

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

10. **Demolisher Details**

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
  - i) Written notice, indicating the date when demolition of the building is to commence.
  - ii) The demolisher's full name and address.
  - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*"; and,
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

**11. 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.
- c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

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

**12. Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
  - i) *The Occupational Health and Safety Act 2000;*
  - ii) *The Occupational Health and Safety Regulation 2001;*
  - iii) *Protection of the Environment Operations Act 1997*
  - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
  - v) *Waste Avoidance and Resource Recovery Act 2001.*
  - vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
  - vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
  - viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting [<http://www.workcover.nsw.gov.au>](http://www.workcover.nsw.gov.au) or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

13. **Services to be capped**

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, eg. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason:- to ensure all services are capped adequately.

14. **Site to be kept in a clean condition**

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

Reason: to control soil erosion, and not have any unsightly views.

15. **Neighbour 24 notification of commencement of demolition**

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

16. **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 are complied with.

17. **Remediation works – contact details**

The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.

Reason:- to ensure a point of contact is provided to Council to liaise with, if necessary, in respect of the remediation works.

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

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

19. **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.

20. **Decommissioning of underground storage tanks**

The decommissioning, removal and validation of the underground storage tank shall comply with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2008.

Reason:- to ensure the appropriate removal of underground storage tanks.

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21. **Diesel storage**

The storage and handling of flammable and combustible liquids must be in accordance with Australian Standard AS 1940 "The Storage and handling of flammable and combustible liquids". Detailed plans and specification of the tanks, associated storage area and refuelling points are to be provided to the PCA prior to the issuing of any Construction certificate for Stage 1A.

The walls and floor of the storage area must be bunded with impervious materials of sufficient capacity to contain 110% of the volume of the tank or the largest tank where a group of tanks are enclosed. Walls must not be less than 250mm high.

All bulk liquid tanks must be fitted with high level sensors and overfill protection devices, connected to audible and visual alarm systems and designed to stop the flow of liquid into the tank to prevent the overflow of liquid. The system must be installed to prevent siphoning when operations are being carried out for remote filling or emptying the storage tanks.

A collection sump must be provided in the bund floor to facilitate the removal of liquids. The bund floor must be graded so that the fall is towards the collection sump.

All pipework from the enclosed tank(s) and/or pumps(s) must be directed over the bund wall and not through it. The bund must not be emptied by means of a drain or drain valve.

Drip trays must be fitted to all fixed pumps handling liquids or waste products, these trays must be directly drained into a closed collection system. The trays must be of a sufficient size to collect all leakage from the pump or spillage occurring when the pump is dismantled.

Reason:- to ensure diesel storage is appropriately managed on site.

22. **Storage of Dangerous Goods**

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act, 1975, shall be submitted to the WorkCover Authority in accordance with their requirements.

Reason:- to comply with WorkCover Authority requirements.

23. **Fuel Filling Areas**

A fuel filling area shall be designed and operated in accordance with:-

- *Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems* by the Australian Institute of Petroleum (CP4-1998).
- EPA's *Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management)*

Fuel bowsers and service areas shall be covered and bunded to prevent direct entry of rainwater and surface water. 'Minor' Refurbishments, 'Minimum' Requirements or 'Substantial' Refurbishments must be provided in accordance with the EPA *Environmental Guideline: Surface water management on the covered forecourt areas of service stations*.

Reason:- to prevent water pollution from occurring.

24. **Landscape Plan – Modification of Species Selection**



The approved Landscape Plan, being Drawing No. LPDA 12-46/1, Revision C, dated 12/08/11 and prepared by Conzept Landscape Architects is to include the following amendments;

- The plant species *Corymbia maculate* is to be replaced by *Eucalyptus moluccana*
- The plant species *Eucalyptus microcorys* is to be replaced by *Eucalyptus Longifolia* or *Eucalyptus Parramattensis*

Reason:- to ensure Auburn native species are present on site.

## 25. **Irrigation to Landscape Areas**

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

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

## 26. **Tree Protection**

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

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

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

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

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

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

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

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

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

27. **RTA Requirements – Compliance with Standards**

The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

Reason:- to ensure the development meets the relevant Australian Standards.

28. **Traffic Management Plan**

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of the Construction Certificate for each stage of the development.

Reason:- to ensure demolition/construction vehicles are suitably managed.

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by WatsonYoung and endorsed plan Drawing No TP05, Revision A, dated February 2011, shall not be used for any other purpose.

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

30. **Number of Car Parking Spaces**

A total of 43 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor carparking spaces shall be a minimum width of 2.6 m.

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

31. **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.

32. **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 to Council for approval prior to the issue of any construction certificate.

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

33. **Compliance with Submitted Acoustic Report**

The noise control treatments recommended in the Noise Impact Assessment prepared by SLR Global dated 8 August 2011 (report number 640.10111-R1) and the subsequent letter prepared by Jim Antonopoulos of SLR dated 2 September 2011 (reference 640.10111LoA DA Additional Req 20110902) shall be installed prior to the issuing of any occupation certificate for the development. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

Reason:- to ensure noise mitigation measures are undertaken.

34. **Acoustic Certification**

Within three months of the premises being occupied at each subsequent stage of development, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contain in tables 1 and 2 of the letter prepared by Jim Antonopoulos of SLR dated 2 September 2011 (reference 640.10111LoA DA Additional Req 20110902). Where the criteria are not meet the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- to ensure acoustic amenity is maintained during operation.

35. **Protection of the Environment Operations Act, 1997**

The operation of the premises shall be conducted in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and regulations made thereunder. The operator shall ensure all necessary licences from the NSW Department of Environment and Climate change (Environmental Protection Authority) are obtained and complied with.

Reason:- to ensure compliance with the Protection of the Environment Operations Act 1997.

36. **Submission of Construction Certificate**

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

**NOTES:**

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

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

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

**37. 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.

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

Site works are not to commence until:-

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

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

**39. Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
- 1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

- 2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- 3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
  - a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
  - b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
  - c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
  - d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
  - e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

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

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

#### 40. **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.

#### 41. **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 National Construction Code and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

42. **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

43. **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

44. **Replacement of Principal Certifying Authorities**

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

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

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

45. **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.

46. **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.

47. **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.

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

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

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)

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

49. **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.

50. **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.

51. **PCA – Inspection of works – general & site management**

The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (*as applicable*), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

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

52. **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.

53. **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.

54. **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.

#### 55. **Survey Report**

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

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

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

#### 56. **Excavated and Filled Areas**

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

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

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

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

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

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the**

**fence/hoarding is erected.**

- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A Hoardings.**

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

#### 58. **Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

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

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

#### 59. **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.

#### 60. **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.

61. **Fencing of construction sites – Rental details to be provided to the PCA (A Type Hoarding)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:

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

Note: Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

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

62. **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](http://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.

63. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Department of Environment and Climate Change - Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.

a) Level Restrictions:-

i) Construction period of 4 weeks and under:-

- 1) the  $L_{10}$  sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

ii) Construction period greater than 4 weeks and not exceeding 26 weeks:-

- 1) the  $L_{10}$  sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

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

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

64. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of

or to asbestos material must comply with:-

- ix) *The Occupational Health and Safety Act 2000;*
- x) *The Occupational Health and Safety Regulation 2001;*
- xi) *Protection of the Environment Operations Act 1997*
- xii) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
- xiii) *Waste Avoidance and Resource Recovery Act 2001.*
- xiv) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
- xv) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
- xvi) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

#### 65. **Vehicles Related to the Development to be Parked on the Development Site**

All vehicles associated with the use of the premises shall be parked within the confines of the site at all times.

Reason:- to minimise the impacts of car parking on local streets does not impact surrounding development.

#### 66. **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.

#### 67. **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.

#### 68. **Vehicles to be contained onsite before stopping**

All vehicles should be wholly contained on site before being required to stop.

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

69. **Hours of Loading and Service Deliveries**

The hours of loading and service deliveries of the development are generally limited to 7 a.m. to 8 p.m. Monday to Sunday inclusive. This does not prevent the afterhours emergency access for vehicles to service plants and machinery in the event of power failure or other mechanical breakdown.

Reason:- to limit the service and loading hours of the development so as to reduce the potential nuisance on adjoining residential development.

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

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

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

71. **Display of goods not permitted outside building or property**

Materials, goods, plant, equipment, signage, advertising structures or the like are not to be stored, placed or displayed anywhere outside the building or property without Council approval.

Reason:- to avoid visual intrusion into areas adjoining the site.

72. **Removal of litter and graffiti:**

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

The owner of the building shall also be responsible for the prompt removal of any graffiti from the building.

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

73. **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.

74. **Sublease of premises**

The premises shall be used solely as one unit and not sub-let or otherwise divided into separate sections and used for additional purposes.

Reason:- to ensure the premises are not sublet or separately occupied without the further approval of Council.

75. **Container storage**

No shipping/maritime or airfreight containers shall be stored externally to the buildings.

Reason:- to ensure all containers are stored internally within the premises so to avoid visual intrusion to other properties.

76. **Cleaning of facade**

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

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

77. **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.

78. **Lighting – external flood lights**

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

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

79. **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.

80. **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.

81. **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.

82. **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.

83. **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.

84. **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.

85. **Noise and Vibration**

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

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure LAeq,period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation,



New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

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

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

86. **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.

87. **Aboveground Power Lines**

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

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

88. **Trade waste containers to be stored within the building**

An adequate area is to be set aside within the building for the storage of trade waste containers. Such space is to have minimum dimensions of 3.0 metres x 2.0 metres and must be reserved at all times for the storage of trade waste containers. The containers shall not obstruct or interfere with the use of loading and parking facilities and accessways.

Reason:- to ensure the trade waste containers are stored within the building to prevent vandalism, arson and possible pollution to the external environment.

89. **Contract for Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the

collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

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

90. Stormwater disposal

All stormwater runoff generated from the proposed development shall be directed to the existing Council's stormwater drainage pipe system in Day Street.

Reason:- to prevent localised flooding

91. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate. The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2000 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

- *Council's on-site detention calculation sheets and submission checklist are to be submitted for the proposed OSD System.*
- The proposed stormwater system shall be generally in accordance with the stormwater plans stormwater plan CG111513 issue P4 dated 17. 08. 2011 prepared by Cardno.
- Outlet pipe from the proposed oil separator shall be outlet pipe from the silt arrestor shall be realigned in such a way that pipe shall run around the OSD tank and connect to high early discharge pit.
- Stormwater discharge from the OSD area shall also be discharged through a stormwater treatment device.
- Maximum spacing between the access grate shall not exceed 5.0m.
- Access grates shall be All access grates to the onsite detention facility shall be 900x900 with double (2/900x450) hinged grates.
- *Detail cross section of the OSD tank showing the top water level, high early discharge pit, orifice, dry platform and overflow weir shall be submitted.*
- *Existing downstream pipe system shall be analysed in order to check whether downstream pipe capacity is adequate for conveying the flow from the subject development. If the pipe capacity is not adequate, pipe system shall be upgraded at no cost to Council. Details shall be submitted.*

Note: "Auburn Development Control Plans 2000 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page [www.auburn.nsw.gov.au](http://www.auburn.nsw.gov.au)

Reason:- to ensure the stormwater is suitably discharged.

92. Stormwater disposal – on-site detention

*On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The*

*storage is to comply with “Auburn Development Control Plans 2000 - Stormwater Drainage”. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.*

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

*Note:*

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

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

93. Structural detailed design of the underground tank

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

**Reason:** *to ensure the structural stability.*

94. **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.*

95. 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 required roof area shall be directed towards the storage.*

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

*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.*

96. 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.*

**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 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.*

97. Maintenance schedule – OSD

*Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.*

**Reason:** *to ensure the onsite detention facility is in good working order.*

98. Annual maintenance inspection of on-site detention

*Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard,*

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

**Reason:** *to ensure the onsite detention facility is in good working order.*

99. Sight Distance and Driveways

*Sight distance at the driveway exit shall be provided in accordance with section 3.2.4 of the Australian standard AS 2890.1 2004.*

*Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.*

**Reason:-** *To endure compliance with Australian Standard AS2890.*

100. 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.

101. Footpath Construction

*The footpath adjoining the site shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.*

- *Detail footpath design shall be submitted and approved by Council's Works and Services section prior to the issue of a Construction Certificate.*
- *Street boundary levels obtained from Council shall be incorporated in the design.*
- *The details of construction requirements shall be requested from the Council prior to commencement of construction.*
- *The existing nature strip shall be regraded to design level.*
- *The proposed footpath shall be 300mm away from the boundary line.*
- *The naturestrip shall be turfed.*
- *Formwork inspection and footpath inspection shall be carried out by Council.*
- *All associated cost shall be borne by the applicant.*
- *The footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation certificate.*

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

102. Works within Council controlled lands

- (1) For drainage works:
  - a) Detail design shall be submitted and approved by Council.
  - b) Within Council controlled lands.
  - c) Connecting to Council's stormwater drainage system.

Inspections will be required:-

- a) After the excavation of pipeline trenches.
  - b) After the laying of all pipes prior to backfilling.
  - c) 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.

**103. Service relocation / Adjustment**

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

Reason: to protect utility services

**104. Stamping of development application plans by Sydney Water**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

or telephone 13 20 92.

**Note:**

The consent authority or accredited certifier must either:

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

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

**105. 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.

106. **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.

107. **Fire Safety Notices**

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

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

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.

109. **Bollards outside Exit Doors**

Where exit doors open onto driveway, loading docks or similar areas, bollards shall be placed at either side of the door opening to prevent obstruction of the exit.

Reason:- to ensure the exit does not become obstructed.

110. **Yellow Line Marking**

The floor of the building is suitably line marked in yellow paint to clearly delineate 1.0 meter paths of travel to the exit. All obstructions from exits will need to be removed.

Reason: to assist in keeping the paths of travel to the exit clear at all times and to comply with the requirements of D1.6 of the BCA.