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**CONDITIONS OF DEVELOPMENT CONSENT**


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**DA No:** DA-201/2011/A  
**Property:** 43 Church Street, LIDCOMBE  
**Description:** Section 96(2) application to modify residential flat building including deletion of top floor, redesign of Level 9 and amending apartment layout and external appearance & materials

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A. Amend the description of the proposal to read as follows:

“Demolition of existing buildings and associated structures, tree removal and construction of 9 storey residential flat building comprising 69 units over 3 levels of basement parking”

**[Description of the proposal amended by Section 96 modification DA-201/2011/A]**

B. Amend the following conditions to read as follows:

1. **Approved Plans**

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
12_092 S96_A012 – Site Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-100 – Basement B4	Smith & Tzannes	D	27/5/2013
12_092 S96-A-101 – Basement B3	Smith & Tzannes	D	27/5/2013
12_092 S96-A-102 – Basement B2 (as amended in red)	Smith & Tzannes	D	27/5/2013
12_092 S96-A-103 – Basement B1 (as amended in red)	Smith & Tzannes	D	27/5/2013
12_092 S96-A-104 – Level 1 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-105 – Level 2 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-106 – Level 3 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-107 – Level 4 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-108 – Level 5 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-109 – Level 6 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-110 – Level 7 Plan	Smith & Tzannes	D	27/5/2013

12_092 S96-A-111 – Level 8 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-112 – Level 9 Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-113 – Roof Plan	Smith & Tzannes	D	27/5/2013
12_092 S96-A-200 – North Elevation	Smith & Tzannes	D	27/5/2013
12_092 S96-A-201 – South Elevation	Smith & Tzannes	D	27/5/2013
12_092 S96-A-202 – East Elevation	Smith & Tzannes	D	27/5/2013
12_092 S96-A-203 – West Elevation	Smith & Tzannes	D	27/5/2013
12_092 S96-A-300 – Section A	Smith & Tzannes	D	27/5/2013
12_092 S96-A-301 – Section B	Smith & Tzannes	A	10/12/2012
12_092 S96-A-302 – Section C	Smith & Tzannes	A	10/12/2012
12_092 S96-A-303 – Section D	Smith & Tzannes	A	10/12/2012
12_092 S96-A-903 – Materials Board	Smith & Tzannes	-	24/5/2013
DA35 – A/C Screening details	Jaime Kleinert Architects P/L	06	24/10/2011
LA01 – Landscape Plan	Aspect Studios	B	March 2012
LA02 – Landscape Plan	Aspects Studios	B	March 2012
H00, to H09 – Hydraulic Services Plan	JHA Consulting Engineers	C, D, E & F	27/03/2012
H10 – Hydraulic Services Plan	JHA Consulting Engineers	D	14/12/2011
H11 – Hydraulic Services Plan	JHA Consulting Engineers	C	24/10/2011
<b>20130187.1/2405A/R0/GW – Acoustic Report</b>	<b>Acoustic Logic</b>	<b>0</b>	<b>24/5/2013</b>
Phase 1 Contamination Report No: E24415Krpt1.1	Environmental Investigation Services	-	December 2011
Addendum to Phase 1 Contamination Report No. E24415Klet1.2	Environmental Investigation Services		19 January 2012
<b>Basix Certificate No. 460679M</b>	<b>NSW Planning &amp; Infrastructure</b>	-	<b>14 December 2013</b>

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.

**[Condition 1 amended by Section 96 modification DA-201/2011/A]**

3. **Auburn DCP 2007: Section 94 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.

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

A sum of \$ **329,348.78** 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:

<b>Item</b>	<b><i>Amount</i></b>
Community Facilities	<b>\$81,218.82</b>
Public Domain	<b>\$179,630.92</b>
Accessibility and Traffic	<b>\$49,508.98</b>
Administration	<b>\$18,990.06</b>
<b>TOTAL</b>	<b>\$329,348.78</b>

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.

**[Condition 3 amended by Section 96 modification DA-201/2011/A]**

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by **Smith & Tzannes Architects** and endorsed plan Drawing No **12\_092 S96-A-100 to 102 (issue D) dated 27/5/2013** (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.

**[Condition 46 amended by Section 96 modification DA-201/2011/A]**

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47. **Number of Car Parking Spaces**

A **minimum 83** 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.

Carparking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Carparking spaces shall not be enclosed without the prior consent of council.

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

**[Condition 47 amended by Section 96 modification DA-201/2011/A]**

48. **Car Parking Allocation within Development**

A plan shall be provided as part of the Construction Certificate documentation indicating the location of car parking spaces and their allocation to individual units within the development. In this regard, the number of spaces to be provided to each building is as follows:

- a) Minimum **69** Residential parking spaces
- b) Minimum **14** Visitor parking spaces

Reason:- to ensure sufficient car parking spaces are provided for the intended use of units.

**[Condition 48 amended by Section 96 modification DA-201/2011/A]**

62. **Compliance with Submitted Acoustic Report**

All noise control measures specified in the Environmental noise acoustic assessment prepared by Acoustic Logic Consultancy dated **dated 24 May 2013 (report 20130187.1/2405A/R0/GW)**, shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

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

**[Condition 62 amended by Section 96 modification DA-201/2011/A]**

63. **Acoustic Certification**

Within three months of the premises being occupied, and acoustic report prepared by a suitably qualified person, is to be submitted to Council demonstrating that the noise emitted from the premises complies with the criteria contained in the Environmental noise acoustic assessment prepared by Acoustic Logic Consultancy **dated 24 May 2013 (report 20130187.1/2405A/R0/GW)**. Where the criteria are not met the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

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

**[Condition 63 amended by Section 96 modification DA-201/2011/A]**