

CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-368/2013
Property: 93-105 Auburn Road & 18 Harrow Road, AUBURN
Description: Construction of a mixed use development comprising a 17 storey building & a 19 storey building containing a total of 246 units & 7 retail tenancies over 4 levels of basement car parking

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>
<i>Architectural Plans</i>			
DA 1.01 Ground Floor Plan (as amended in red)	Marchese Partners International Pty Ltd	B	21 February 2014
DA 1.02 Basement Level 1	Marchese Partners International Pty Ltd	B	21 February 2014
DA 1.03 Basement Level 2	Marchese Partners International Pty Ltd	B	21 February 2014
DA 1.04 Basement Level 3	Marchese Partners International Pty Ltd	B	21 February 2014
DA 1.05 Basement Level 4	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.06 Typical Podium Floor Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.07 Typical Tower Floor Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.08 Level 18 Tower Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.09 Roof Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.10 Typical Tower A Floor Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.11 Typical Tower B Floor Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.12 Level 18 Tower A Plan	Marchese Partners International Pty Ltd	A	22 November 2013
DA 1.011 Harrow Rd Services	Marchese Partners International Pty Ltd	A	22 November 2013
DA 2.01 North Elevation	Marchese Partners International Pty Ltd	A	21 February 2014
DA 2.02 South Elevation	Marchese Partners International Pty Ltd	B	21 February 2014
DA 2.03 East West Elevations	Marchese Partners International Pty Ltd	B	21 February 2014

DA 2.04 East West Elevations	Marchese Partners International Pty Ltd	A	22 November 2013
DA 3.01 Typical East West Section	Marchese Partners International Pty Ltd	A	22 November 2013
<i>Landscape Masterplan</i>			
L02 Landscape Masterplan	Somewhere	B	20 February 2014
<i>Stormwater and Erosion & Sediment Control Plans</i>			
SW01 Basement 4 Stormwater Plan	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
SW02 Basement 3 Stormwater Plan	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
SW03 Basement 2 Stormwater Plan	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
SW4 Basement 1 Stormwater Plan	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
SW05 Ground Floor Stormwater Plan	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
SW11 OSD & Pump Pit Details	MYD Consulting Engineers Pty Ltd	DA	18 February 2014
SM01 Basement 3 & 4 Soil and Sediment Control Plan	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
SM02 Basement 3 & 4 Soil and Sediment Notes and Typical Details	MYD Consulting Engineers Pty Ltd	DA	21 November 2013
<i>Environmental Site Assessment</i>			
Preliminary Environmental Site Assessment Ref: E24593Krpt1.2	Environmental Investigation Services	—	November 2013
<i>Waste Management Plan</i>			
Waste Management Plan Project No. : 2013.217	Merhis Pty Ltd	0	November 2013

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. **Time period of consent**

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

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

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

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

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

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

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

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

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

4. **Auburn DCP 2007 - LGA Wide**

A sum of **\$1,295,352.73** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$319,434.16
Public Domain	\$706,490.69
Accessibility and Traffic	\$194,717.19
Administration	\$74,710.69
TOTAL	\$1,295,352.73

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

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

A sum of **\$25,057.86** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

Item	Amount
Employment Generating Development	\$25,057.86
TOTAL	\$25,057.86

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. **Voluntary Planning Agreement**

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the planning agreement that relates to the development application the subject of this consent must be entered into before the issue of any Construction Certificate and prior to the commencement of any works authorized by this development consent.

Reason:-

To ensure the implementation of the proposed Voluntary Planning Agreement.

7. **Through Site Link/Village Square Fencing**

The treatment of the northern boundary of the through site link and Village Square shall be comprised of the following:

- (a) A solid wall with a height of 2.0m for the full extent of the Village Square;
- (b) Fencing, with a height of 2.0m and a minimum 50% openings for the remainder of the through site link, with the exception of that part of the fence forward of the building line on the Harrow Road frontage, which is not to exceed 1.2m in height;
- (c) Gates, with a height of 2.0m and a minimum 50% openings, shall be located on the boundary with Auburn Road and in line with the setback of the Harrow Road Frontage of Tower B; and
- (d) Planter boxes with a height of 450mm for the full extent of the Village Square and through site link.

Details demonstrating compliance shall be shown on the landscape plan and submitted to Council's Manager – Development Assessment for approval **prior to the issue of the Construction Certificate**.

Reason:- to provide suitable fencing having regard to streetscape presentation and the visual and acoustic privacy of the adjoining Church Hall.

8. **Southern Boundary Fencing**

Fencing on the southern boundary shall not exceed a height of 1.2m forward of the building line on the Harrow Street frontage.

Details demonstrating compliance shall be submitted to Council or the accredited certifier **prior to issue of the Construction Certificate**.

Reason:- to comply with Auburn Development Control Plan 2010.

9. **Owner's Consent – Excavation Beneath Right-of-Way/s**

Written consent from all person benefitting from the right-of-way/s burdening the land the subject of this development consent shall be obtained for the excavation of the basement car park beneath the right-of-way/s **prior to issue of the Construction Certificate.**

Reason:- to ensure that appropriate owners consent is obtained.

10. **Landscape Plan – Right of way**

No development shall be located on or over the existing right-of-way within Lot 1001 in DP 1166744. In this regard, the communal landscaped open space shown over the right-of-way shall be deleted. Details demonstrating compliance shall be shown on the landscape plan and submitted to Council's Manager – Development Assessment for approval **prior to the issue of the Construction Certificate.**

Reason:- to ensure the right-of-way is retained and accessible.

11. **Landscape Plan**

All landscaped areas on the site shall be the subject of detailed landscape drawings and specifications. The landscape plan shall be submitted to Council's Manager – Development Assessment **prior to the issue of the Construction Certificate** and is to include the following details:-

- a) A site plan at an appropriate scale showing existing site boundaries, existing trees within the property to be retained, existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures, etc.), council's footway, existing and proposed ground levels shown as spot heights and/r contours over the site, at site boundaries, and at the base of any trees to be retained, proposed building envelope, proposed areas of pavement and proposed landscaped areas.

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites, including street trees, which are likely to be affected.

- b) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all beds. Plant spacings are to be clearly indicated for all accent and groundcovers.
- c) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- d) Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
- e) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
- f) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm for tree provision and 300mm for turf provision.

- g) All planter boxes and garden beds constructed on slab are to be assessed by both structural and hydraulic engineers and incorporated in their plans and specifications.
- h) Sectional elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.
- i) The minimum width opening for planter boxes on slab shall be 1 metre, not including the edge material/retaining wall. Wider beds are required where trees are to be planted, with a minimum of 3 metres for a small tree. Any weep holes or overflow outlets provided in the planter beds are to be located such that they do not cause staining of the face surface.
- j) A retaining edge of concrete, 150mm high, being erected around landscaped areas to prevent the encroachment of motor vehicles and to contain soil and mulch finishes.
- k) Details of water efficient automatic irrigation system to be provided to all landscaped areas at grade and to landscaped areas and planter boxes to terraces and balconies and being installed and maintained in accordance with relevant Australian Standards and the requirements of Sydney Water.
- l) Details prepared by an Arborist to protect and maintain the wellbeing of trees to be retained on the land, adjoining sites, and street trees, including a proper identification regime to ensure trees to be retained are as specified in the inventory.

Five (5) copies of the landscape plans and specifications are required to be submitted.

Reason:- to ensure that the site is suitably landscaped.

12. **Landscape Maintenance Strategy**

A Landscape Maintenance Strategy shall be submitted to Council's Manager – Development Assessment **prior to the issue of the Construction Certificate**. This shall incorporate the method of maintenance of all landscape elements including plants, soil, lighting and irrigation.

Reason:- to ensure ongoing maintenance of landscape elements.

13. **Car Parking Layout**

The car parking layout shall be amended as follows:

- a) The garbage truck swept path shall be clear of parking spaces;
- b) The minimum aisle width shall 5.8m. In this regard, the aisle width in the visitor car parking area shall be modified; and
- c) A minimum 2.2m headroom clearance shall be provided under the sewer line within parking module.

Details demonstrating compliance shall be submitted for approval to Council or the accredited certifier **prior to the issue of the Construction Certificate**.

Reason:- to ensure car parking layout comply with Council's DCP and Australian

standard AS2890.1.

14. **Door Openings to Business/Retail Premises**

The entry doors of the business/retail tenancies shall not open over public areas. In this regard:

- a) Door openings shall be modified; and
- b) The fire exit and fire control door openings in Tower A discharging to Auburn Road shall be recessed.

Details demonstrating compliance shall be submitted to Council or the accredited certifier **prior to the issue of the Construction Certificate.**

Reason:- to ensure opening doors are clear of public areas.

15. **Reconfiguration of Doorways**

The rear door to Tenancy 1 and the entrance door to the adjoining corridor from the foyer shall be reconfigured to ensure that the entrance door to the corridor provides access only to the residential units.

Details demonstrating compliance shall be submitted for approval to Council or the accredited certifier **prior to issue of the Construction Certificate.**

Reason:- to provide access control in accordance with the principles of Crime Prevention Through Environmental Design and to reduce the noise to residents associated with tenancies.

16. **Minimum Balcony Area**

All balconies located on the south-eastern corner of Tower B shall have a minimum area of 8sqm. The additional area is to be taken from the floor area of the unit. The location of the balustrades is to remain as shown on Drawing No. DA 1.07 Revision A prepared by Marchese Partners International Pty Ltd and dated 22 November 2013.

Details demonstrating compliance shall be submitted to Council or the accredited certifier **prior to issue of the Construction Certificate.**

Reason:- to ensure compliance with Auburn Development Control Plan 2010 – Residential Flat Buildings.

17. **Treatment of Balcony Balustrades**

Balconies balustrades which contain only transparent glazing shall be amended to comprise a non-transparent element for the full height, and a minimum of 50% of the width, of the balustrade. Non-transparent elements may be comprised of masonry, opaque glazing, or a screen.

Details demonstrating compliance shall be submitted to Council or the accredited certifier **prior to issue of the Construction Certificate.**

Reason:- to ensure that a screened area is provided for privacy and clothes drying in accordance with Auburn Development Control Plan 2010.

18. **Unit Storage**

Storage shall be provided to each unit, in addition to kitchen cupboards and wardrobes, at the following minimum rates:

- (a) 1 bedroom unit - 6 cubic metres,
- (b) 2 bedroom unit - 8 cubic metres; and
- (c) 3 bedroom (or more) unit – 10 cubic metres.

A minimum of 50 % of the required storage shall be provided within each unit.

Details demonstrating compliance shall be submitted to Council or the accredited certifier **prior to issue of the Construction Certificate.**

Reason:- to ensure compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

19. **Hours of Access – Village Square and Through Site Link**

The hours of access to the Village Square and through site link are as follows:-

- a) The hours of access to the Village Square and through site link shall be restricted to between 6.00 a.m. to 9.00 pm Mondays to Sundays (inclusive);
- b) Notwithstanding (a) above, access to the Village Square and through site link shall be restricted between to between 6.00 a.m. to 11.00 pm Mondays to Sundays (inclusive), for a trial period of six (6) months from the date of the Village Square and through sit link becoming publicly accessible.
- c) A further application may be lodged to continue the hours of access outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, compliance with development consent conditions, any complaints received and any views expressed by the Police. It should be noted that the trial period **may** be deemed not to have commenced unless the full range of hours approved has occurred during the trial period.
- d) If access to the Village Square and through site link has occurred successfully in the first trial period in (b) above, and complied with the performance conditions in (c), a second extended 5 year trial period for the extended hours will be implemented.

Reason:- to limit and trial access to the Village Square and through site link so as to reduce the likely nuisance to residents of the development and adjoining development and to permit Council and Police to monitor public safety in the locality.

20. **BASIX Requirements**

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

- a) Relevant BASIX Certification means:-
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
 - ii) If a replacement BASIX Certificate accompanies any subsequent

application for a construction certificate, the replacement BASIX Certificate; and

- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

21. **Consolidation of lots**

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

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

22. **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

23. **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

24. **Adaptable Units**

A total of 25 adaptable units are to be provided within the development. Details demonstrating compliance shall be submitted to Council or the accredited certifier **prior to issue of the Construction Certificate**.

Reason:- To comply with Auburn Development Control Plan 2010.

25. **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to each of the buildings **prior to issue of the occupation certificate**. Street numbers are to be obtained from Council's Rates Department. 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.

26. **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.

27. **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.

28. **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

29. **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.

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

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

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

31. **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.

32. **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.

33. **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.

34. **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.

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

The following documentation 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;
- c) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate); and
- d) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

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

36. **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.

37. **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.

38. **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.

39. **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.

40. **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.

41. **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:**

- a) 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.
- b) 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.

42. **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.

43. **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 Principal Certifying Authority. **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.

44. **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.

45. **Engineering Design – Basement Excavation**

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

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

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully

complied with and incorporated into the plans and specifications for the **construction certificate**.

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

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

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

46. **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.

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

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

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

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

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

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

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

48. **Footpath area to be illuminated**

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

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

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

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

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

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

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

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

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height

and located within 3.6 metres of the street alignment.

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

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

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

50. **Soil and Water Management Plan – Large sites**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's *Managing Urban Stormwater: Construction Activities*. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the Plan shall be maintained at all times. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

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

51. **Traffic Management**

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

Reason:- to minimise impacts on the traffic flow in the vicinity of the site.

52. **Noise from construction activities**

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

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

53. **Dial before you dig**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

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

The Dial Before You Dig service is also designed to protect Australia's excavators.

Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

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

54. **Footpath Construction – Harrow Road**

The footpath adjoining the Harrow Road frontage shall be reconstructed in concrete unit paving in accordance with the **Auburn Council Town Centres Infrastructure Manual**. Site boundary levels shall be raised where necessary to eliminate any existing low-level footpath profiles, with satisfactory end-transitions provided. In this regard:

- a) Detailed footpath design shall be submitted and approved by Council's Property, Engineering & Project Management Section **prior to the issue of any Construction Certificate**;
- b) Street boundary levels obtained from Council's Property, Engineering & Project Management Section shall be incorporated in the design;
- c) The details of construction requirements shall be requested from Council's Property, Engineering & Project Management Section prior to commencement of construction;
- d) Formwork inspection and footpath inspection shall be carried out by Council's Property, Engineering & Project Management Section;
- e) All associated cost shall be borne by the applicant;
- f) The footpath shall be constructed at the completion of works and finished to the satisfaction of Council's Property, Engineering & Project Management Section **prior to the issue of an Occupation certificate**; and
- g) All associated costs shall be borne by the applicant

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

55. **Redundant driveway – Harrow Road**

Arrangements shall be made with Council's Service Planning Department 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.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Removal of all the redundant driveways shall be carried out **prior to the issue of occupation certificate**.

Reason:- to ensure that works are carried out in accordance with Council's standard.

56. **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.

57. **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.

58. **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.

59. **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.

60. **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.

61. **Works within Council controlled lands**

(a) For drainage works:

- i) Within Council controlled lands; and/or
- ii) Connecting to Council's stormwater drainage system.

Inspections will be required:

- iii) After the excavation of pipeline trenches.
 - iv) After the laying of all pipes prior to backfilling.
 - v) After the completion of all pits and connection points.
- (b) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Property, Engineering & Project Management Section during office hours.
- (c) 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.

62. **Stormwater disposal**

All stormwater runoff generated from the proposed development shall be directed to the On- Site Detention system prior to being discharged to Council's underground drainage system in Harrow Road.

Reason:- to prevent localised flooding

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

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated **with the Construction Certificate**.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard:

- a) The proposed stormwater system shall be generally in accordance with the stormwater concept plans Stormwater plans SW01 dated 18. 02. 2014, SW02 dated 21. 11. 2013, SW03 dated 21. 11. 2013, SW04 dated 21. 11. 2013 SW05 dated 18. 02. 2014 and SW11 dated 18. 02. 2014 prepared by MYD Consulting Engineers;
- b) All access grates to the detention facility shall be double (2/900x450) hinged grates;
- c) The overflow system from the rainwater tank shall be modified in order to prevent overflow from the OSD system entering the rainwater tank;
- d) Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m;
- e) Stormwater runoff from the driveway ramp area shall undergo industrial standard primary treatment/separation prior to disposal into the existing stormwater system. In this regard, a stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system;
- f) A minimum 10,000 litres capacity rainwater tank shall be provided;

- g) Access grates in the OSD tank shall be located at alternative sides;
- h) A flap valve shall be provided between the rainwater tank and OSD wall to prevent overflow from the OSD flows back into the rainwater tank; and
- i) Overflow from the rainwater tank shall be connected to a high early discharge pit.

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

64. **Connection to Council's Drainage System**

A new standard grated kerb inlet pit shall be constructed over Council's existing stormwater pipe at the proposed new connection. A detailed design shall be submitted and approved by Council's Property, Engineering & Project Management section **prior to the commencement of any construction work on site.**

The Construction works shall be inspected by Council's Property, Engineering & Project Management section.

Reason:- to ensure Council's assets are constructed to Council's requirements.

65. **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.

66. **Water Reuse**

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

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

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

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

67. **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.

68. **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

69. **Annual maintenance inspection of OSD**

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

70. **Engineer Certificate for critical pump**

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

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

71. **Basement drainage system**

Basement drainage is to comply with "Auburn development control plans 2010 stormwater drainage". In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of

(five) minutes, one pump acting in reserve capacity.

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

Reason: to prevent localised flooding.

72. **Surface runoff**

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.

73. **Works-as-Executed Plan – Drainage Plans**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

- i) Whether all works have been completed generally with the approved drainage plans.
- ii) Any departure from the approved plan and conditions.
- iii) Any additional work that has been undertaken.
- iv) Location, levels and sizes of pipes and pits.
- v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- vi) Basement pump out volumes.

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

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the “Auburn Development Control Plan 2010 - Stormwater Drainage” shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

Reason:- to account for minor variations and to ensure Council has the final details.

74. **Arrangements for Water and Sewer Services**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built or charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to release of the final plan of subdivision or occupation of the development.**

Reason:- to ensure that adequate water and sewer services can be provided to the site.

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

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

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

76. **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.

77. **Compliance with Contamination Assessment**

The recommendations of the *Preliminary Environmental Site Assessment* prepared by Environmental Investigation Services, Ref: E24593Krpt1.2 and dated November 2013, shall be implemented.

Evidence of the completion of each of the recommendations shall be submitted to Council or the accredited certifier within 30 days of completion of the particular recommendation or prior to the commencement of the next phase of excavation whichever occurs first.

Reason:- to ensure that the site is made suitable for the intended use in accordance with the requirements of State environmental Planning Policy No. 55 – Remediation of Land.

78. **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.

79. **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.

80. **Fill for residential premises**

- (a) Should any importation of landfill material be required on the site, a validation report prepared in accordance with the Department of Environment and Conservation (DEC) (formerly known as the EPA) "Guidelines for Consultants Reporting on Contaminated Sites" shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

- (b) “Chain of Custody” documentation shall be kept for the transportation of validated fill material from its point of origin to its arrival at the subject premises. A record of “Chain of Custody” shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

Reason:- to ensure appropriate validation and handling of fill for residential premises.

81. **Car park and service vehicle area layout**

- a) The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking and AS2890.6:2009 for people with disabilities. All parking spaces are to be line marked.
- b) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2004 Off Street Parking Part 2 – Commercial Vehicle Facilities.

Reason:- to ensure that the car parking and service vehicles areas are designed and constructed to meet relevant Australian Standards.

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

The area set aside for the parking of vehicles, and so delineated approved Drawing No.s DA 1.02, 1.03 and 1.04 Revision B prepared by Marchese Partners International Pty Ltd and endorsed dated 21 February 2014, 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.

83. **Number of Car Parking Spaces**

A total of 342 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 car parking spaces shall be a minimum width of 2.6 m.

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

Reason:- to ensure there is sufficient car parking for the development and to comply with Auburn Development Control Plan 2010 - Parking & Loading.

84. **Car parking allocation**

Car parking spaces shall be allocated as follows:

- (a) Residential units – 276 car parking spaces. Tandem car parking spaces with a single access point shall be allocated to 3 bedroom units and 25 car parking spaces for people with disabilities shall be allocated to the adaptable dwellings;
- (b) Residential visitors – 50 car parking spaces; and
- (c) Retail/Business tenancies – 16 car parking spaces

Details demonstrating compliance shall be submitted for approval to Council or the accredited certifier prior to issue of the Construction Certificate.

Reason:- to comply with Auburn Development Control Plan 2010

85. **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.

86. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

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

87. **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.

88. **Size Limit of Delivery Vehicles**

Vehicles making deliveries to the premises shall be limited to heavy rigid vehicles (HRV) or smaller as defined by Australian Standard AS2890.2.

Reason:- to ensure adequate manoeuvring space is provided at the site.

89. **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.

90. **Protective bar to vehicular entry**

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

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

91. **Roller doors and shutters – silent operation**

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

Reason:- to ensure quiet operation and ongoing maintenance to car park doors.

92. **Intercom/remote access to basement**

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

Reason:- to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

93. **Car Parking Spaces – Restrictive Covenant**

The following shall be complied with:-

- a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.
- b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

Reason:- to ensure the car parking spaces are used in accordance with the details of the development approval.

94. **Headroom clearance – within the Basement**

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate.**

Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and Council's DCP.

95. **Washing of vehicles – further approval**

No washing of vehicles shall be carried out at the premises without a further development application being submitted to and approved by Council for this purpose.

Reason:- to ensure further approval is obtained for the washing of vehicles at the premises.

96. **Basement appearance**

- a) Basement walls to the development that are visible above ground level are to be appropriately finished and be treated to be consistent with the appearance of the building.
- b) Where the basement wall extends within 1.2m of the side or rear boundary, ventilation grilles are not to be provided within these elevations.

Reason:- to ensure that the basement walls are appropriately treated and in accordance with Council's Development Control Plan requirements.

97. **Materials and Finishes**

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

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

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

98. **SEPP 65 – Design Verification**

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

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

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

99. **Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

Reason:- to ensure Council is aware and kept informed of the current project architect.

100 **Underside of balconies**

The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.

Reason:- to ensure an attractive appearance to the development in accordance with Council's Development Control Plan requirements.

101 **Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason:- to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

102 **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.

103 **Paving Selection**

Selection of paving for use within the development shall give consideration to materials that reduce glare and minimise surface runoff.

Reason:- to ensure appropriate paving selection within the development as required by Council's Development Control Plan.

104 **Fencing/gates and adjoining land**

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

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

105 **Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

Reason:- to ensure adequate security provision to shared pedestrian entries to the development in accordance with Council's Development Control Plan requirements.

106 **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

107 **Lighting to publicly accessible areas**

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. All lighting shall be provided in accordance with AS/NZS 1158 and AS 4248.

Details of the lighting are 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.

Any burnt out lighting shall be replaced as soon as possible.

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

108 **CCTV Camera System**

CCTV surveillance cameras shall be installed in and around the premises, placed in strategic locations such as the external entrance and exit doors, **prior to issue of the Occupation Certificate**. Digital and monitored technology shall be used to record images from the camera. Footage shall be kept for a period of 14 days for viewing by the police upon request.

Installed surveillance equipment shall be maintained in working order at all times.

Reason:- to ensure that the use provides adequate visual surveillance and adequate records for the NSW Police to peruse is required.

109 **Warning and Directional Signage**

The following signage shall be installed:

- (a) Warning signs around the perimeter of the property, particularly near entry points, to warn intruders of security measures such as the area being under constant surveillance;
- (b) Warning signs within the car park to not leave valuables inside vehicles; and

- (c) Directional signage at decision making points to provide guidance to car park users.

Reason:- to warn intruders of security measures and assist car park users.

110 **Commemorative plaque**

A commemorative plaque is required to be installed in accordance with the following:

- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
- (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted **for the approval of Council** prior to issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The approved plaque must be installed prior to the issue of any Occupation Certificate.

Reason: to provide information regarding the proposed development to future generations.

111 **Mail Box Structure**

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

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

112 **Suitable arrangements to be made for garbage and recycling services**

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

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

113 **Waste Management Plan – New works**

The approved Waste Management Plan for the site must be displayed in an appropriate location on-site and complied with at all times during construction/remediation/demolition and ongoing occupation.

The builder/construction company shall be provided with at least one copy of the waste management plan.

Reason:- to ensure waste is properly managed.

114 **Display of Waste Management Plan – Ongoing use**

The occupant/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

Reason:- to ensure waste is properly managed by occupants of the building.

115 **Waste and recyclables storage area:**

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

Reason:- to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

116 **Ongoing Waste Management**

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:-

- a) Appropriate waste management practices are to be adopted within the development at all times.
- b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
- c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.
- d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
- e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason:- to ensure appropriate ongoing waste management practices within the development in accordance with Council's Development Control Plan requirements.

117 **Removal of litter**

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

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

118 **Graffiti and Vandalism Rectification**

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

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

119 **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.

120 **Separate development application for use**

A separate development application for the retail/business tenancies must be submitted for the approval of Council prior to any fitout or use.

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

121 **No roller shutters**

No roller shutters are to be erected either externally or internally to the shop front. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

Reason:- to protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises.

122 **Amenity**

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

123 **Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

Reason:- to protect the surrounding locality from offensive odours.

124 **Water Pollution**

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Reason:- to protect waterways and stormwater systems from pollution.

125 **Door seals**

Door seals shall be provided to all doors within the development **prior to issue of the Occupation Certificate**.

Reason:- to minimise noise associated with closing doors.

126 **Noise and Vibration**

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

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure $L_{Aeq,period}$ at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure $L_{Aeq,15min}$ at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

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

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

127 **Basement Car Park Ventilation**

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of Ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced engineer at the completion of installation **prior to the issue of an Occupation Certificate**. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the Principal Certifying Authority.

Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it create an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

Reason:- to ensure the car park is adequately ventilated and any mechanical

ventilation equipment does not create disturbance.

128 **Air conditioning units – location and acoustics**

- a) The operation of air conditioning units shall:
 - (i) not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
 - (ii) not 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) 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.

129 **Intruder Alarms**

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

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

130 **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,

including plans showing fire escapes, evacuation assembly points, evacuation procedures and contact person), to be given to the Commissioner of NSW Fire Brigades and Flemington Local Area Command of the NSW Police; 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.

131 **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.

132 **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.

133 **Submission of Works-as-Executed Fire Services Plan**

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

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

134 **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.

