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**CONDITIONS OF DEVELOPMENT CONSENT**


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**DA No:** DA-327/2014  
**Property:** Lot 7046 Church Street, LIDCOMBE  
**Description:** Demolition, reconstruction and refurbishment works associated with the upgrading of facilities including new swimming pools, change rooms, pool hall and associated landscaping and drainage works - Ruth Everuss Aquatic Centre

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**1. Approved Plans**

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

<b><i>Plan Number</i></b>	<b><i>Prepared By</i></b>	<b><i>Revision No.</i></b>	<b><i>Dated</i></b>
DRWG No. 14195-DA001-E	NBRS+Partners	E	22/09/2014
DRWG No. 14195-AWD103-6	NBRS+Partners	6	07/01/2015
DRWG No. 14195-AWD104-4	NBRS+Partners	4	07/01/2015
DRWG No. 14195-AWD105-4	NBRS+Partners	4	07/01/2015
DRWG No. 14195-AWD301-4	NBRS+Partners	4	07/01/2015
DRWG No. 14195-AWD302-4	NBRS+Partners	4	07/01/2015
DRWG No. 14195-LDA04-p2 <i>Pool/Splash Pad locations as per DRWG No. 14195-AWD103-6, Rev 6, dated 07/01/2015</i>	NBRS+Partners	P2	19/09/2014
DRWG No. 14195-LDA05-p2 <i>Detail Plan – Entry Terrace</i>	NBRS+Partners	P2	19/09/2014
DRWG No. 14195-LDA06-p2 <i>Detail Plan – Upper Lawn Terrace</i>	NBRS+Partners	P2	19/09/2014
DRWG No. 14195-LDA07-p2	NBRS+Partners	P2	19/09/2014
DRWG No. 14195-LDA08-p2	NBRS+Partners	P2	19/09/2014
Stormwater Management Plan and Flood Impact Statement	Wood & Grieve Engineers	0	17 September 2014
DRWG No. C-100 Proposed Drainage Layout	Wood & Grieve Engineers	B	17/09/2014

DRWG No. C-110 OSD Basin Sections	Wood & Grieve Engineers	B	17/09/2014
Preliminary Site Investigation	Douglas Partners	1	22 September 2014
Statement of Heritage Impact	NBRS+Partners	-	23 September 2014
Conservation Management Strategy	Tanner Architects	A	August 2004

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. **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.

4. **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.

5. **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

6. **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.

## 7. Compliance with the Building Code of Australia

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

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

8. **Disabled Access & Facilities**

Access and facilities for people with disabilities must 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

9. **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

10. **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.

11. **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.

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

12. **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.

13. **Heritage Conservation Requirements**

The proposed development shall be generally undertaken in accordance with the conclusions and recommendations of the Statement of Heritage Impact, prepared by NBRSP+Partners and dated 23 September 2014.

Reason:- to ensure the proposed works does not have an adverse impact on the heritage item.

14. **Archival Record - Photographic Survey**

A black and white photographic survey, in accordance with the guidelines of the Heritage Council, is to be submitted prior to the release of the Construction Certificate. The photographic survey is to be submitted in an unbound report format, which is to contain:

- a) A front cover marked with:-
  - i) the name/location of the property;
  - ii) the date of the survey;
  - iii) the name of the Company or persons responsible for the survey.
- b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the building; and a set of negatives. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into

acid-free corner mounting.

- d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs (with negatives) are to be included in the photographic survey report.

These documents are to be remitted to Council for inclusion in the Local History Library.

Reason:- to provide a historical record of the existing buildings on the site for archival purposes.

15. **Works to Heritage Item**

The proposed works are to be carried out in a manner that minimizes demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building, which is listed as a Heritage Item.

Reason:- to ensure proposal does not have an adverse impact on the Heritage Item.

16. **Interpretation Strategy**

Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Manager of Development Assessments and shall include, but is not limited to:-

- a) the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
- b) the approved Interpretation Strategy shall be implemented to the satisfaction of the Manager of Development Assessments prior to the issue of an Occupation Certificate.

Reason:- to ensure that the proposal provides a heritage interpretation strategy for the heritage item.

17. **ARCHEOLOGICAL DISCOVERY DURING EXCAVATION**

Archaeological discovery during excavation or works shall comply with the following:

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

Reason: To ensure Heritage Council and National Parks and Wildlife are informed of any archaeological materials.

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**18. General Requirement – Public Pools**

The installation and operation of the public pool must comply with the requirements of the Public Health Act 2010, Public Health Regulation 2012 and any relevant Australian Standards or Guidelines issued by NSW Health. In this regard the Swimming pool(s) must be equipped with an automated or continuous disinfectant dosing system and shall comply with the prescribed standards for public swimming pools and spa pools set out in Schedule 1 of the Public health Regulation 2012.

*Reason:-* to ensure all relevant acts, regulations and standards are met.

**19. Bundling of Work and Storage Areas**

All works and storage areas where spillage may occur must be bunded. The size of the area to be bunded must be calculated as being equal to 110% of the total volume stored or equal to the largest storage container, whichever is the greater. All bunded areas must be graded to a pit/sump so as to facilitate emptying and cleansing. Any pipework from enclosed tanks and/or pumps must be directed over the bund wall and not through the wall. Hose couplings for tanks enclosed within the bund must be placed so that any leaks and spillages are contained within the bund.

*Reason:-* to ensure relevant areas incorporate suitable bunded areas.

**20. Associated Servicing Works**

Where required, written approval from relevant government authorities (and affected land owners) shall be provided to the Principal Certifying Authority prior to any works being undertaken in association with servicing works, inclusive of connection to and/or extension of any hydraulic servicing, pertaining to areas outside of the subject development site.

*Reason:-* to ensure all relevant government bodies provide approval for associated infrastructure.

**21. 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.

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

The following documentation (where applicable) is to be submitted to Council or the

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accredited certifier, **prior to the granting of the construction certificate:**

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

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

23. **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.

24. **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.

25. **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.

26. **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.

27. **Sedimentation Control**

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

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

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

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

28. **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.

29. **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.

30. **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.

31. **Dial before you dig**

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

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

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

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

32. **Demolition of buildings**

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

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

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

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

### 33. **Demolition – Lead Paint Disposal**

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

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

### 34. **Demolition – common sewerage system**

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

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

### 35. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste

Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.

- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
- i) Work Health and Safety Act 2011;
  - ii) *The Work Health and Safety Regulation 2011;*
  - iii) *Protection of the Environment Operations Act 1997*
  - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
  - v) *Waste Avoidance and Resource Recovery Act 2001.*
  - vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
  - vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
  - viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

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

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

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

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

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

### 36. **Services to be capped**

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

Reason:- to ensure all services are capped adequately.

### 37. **Site to be kept in a clean condition**

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

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

38. **Remediation and validation**

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

- a) Remediation and validation works shall be carried out in accordance with the recommendations as listed within Section 8 of the Preliminary Site Inspection, Revision 1, prepared by Douglas Partners and dated 22 September 2014. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consulting Reporting on Contaminated Sites*, and shall:
  - i) Describe and document all works performed;
  - ii) Include results of validation testing and monitoring;
  - iii) Include validation results of any fill imported on to the site;
  - iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
  - v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

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

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

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

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39. **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.

40. **Food Premises Fitout – Compliance with Standards**

The fitout of the food premises shall comply with the requirements of *Australian Standard 4674-2004, Design, Construction and Fit-out of a Food Premises* and *Food Safety Standard 3.2.3, Food Premises & Equipment*.

Reason:- to ensure the food premises fitout complies with relevant standards.

41. **Design and Construction of Food Premises**

The design and construction of food premises must comply with the following requirements, as applicable:-

- 1) No alterations to the shop or any fittings therein (including the installation of new items of equipment) are to be made without the prior approval of the Principal Certifying Authority.
- 2) Areas intended to be used for storing & preparing food or for storing food packaging & equipment shall be physically separated from chemical storage areas, living & sleeping areas, toilets & change rooms, garbage & recycling facilities and all other activities likely to pose a risk of food contamination.
- 3) Adequate space shall be provided on the premises for the storage of dry goods, fresh fruit & vegetables, returned food, recalled food, packaging material and utensils & equipment.
- 4) All windows, doors, entrances/exits and serving latches shall be protected against the entry of pests.
- 5) Where doors and windows need to be pest proofed against flying insects only, they may be protected by:-
  - i) Air curtains that effectively prevent insects entering the premises; or
  - ii) Being fitted with plastic strip curtains that effectively exclude flying insects; or
  - iii) Opening into vestibules with self-closing doors; or
  - iv) Fitting the bottom edge of doors or bottom sash of windows (where practicable) with a seal; or
  - v) Provide a fly zapper that is to remain on during business operating hours.
- 6) Insect control devices shall be installed so that the devices are **not** located directly over food preparation working areas, exposed food, clean equipment and/or unwrapped packaging material.

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- 7) All service pipes, drains, cables and duct penetrations shall be effectively sealed to prevent entry of pests.
  - 8) All service pipes conducts and electrical wiring shall either be concealed in the floor, plinths, walls & ceiling or fixed on brackets to provide a clearance at least 25mm and 100mm from the adjacent vertical and horizontal surface respectively.
  - 9) Spaces between adjoining structures, such a between coolroom / freezer walls and premises walls and the external roof, shall be accessible for inspection and cleaning or sealed with a suitable compound to prevent the entry of pests.
  - 10) The applicant shall refer to Sydney Water for trade waste requirements **prior** to the business use commencing.
  - 11) Grease arrestors shall not be located in areas where food, equipment or packaging materials are handled or stored.
  - 12) In areas where open food is handled or stored, light fittings shall be provided with fitted light diffusers to prevent contamination of food should the globe or tube shatter and allow easy access for cleaning.
  - 13) Floors in the food premises shall be finished with a surface that complies with Table 3.1 of AS 4674.2004.
  - 14) Floors in the food preparation areas shall be graded and drained to a floor waste connected to the sewerage system.
  - 15) The intersection of floors with walls shall be coved in accordance with diagrams 3.1 and 3.2 of AS 4674.2004.
  - 16) The plinths shall be of solid construction and not less than 75mm high with an impervious finish and consistent with the floor surface in table 3.1 of AS 4674 including coving.
  - 17) Walls in the food premises shall be of solid construction and finished with a material in accordance with Table 3.2 of AS 4674-2004.
  - 18) Wall surfaces shall provide a smooth even finish, free of buckles, ledges, fixing screws, picture rails, open joints, cracks & crevices.
  - 19) Ceilings in the food premises shall consist of a non perforated material and finished free of open joints, cracks & crevices.
  - 20) The intersections of walls and ceilings shall be tight jointed, sealed and dust proof.
  - 21) Ceilings in other areas shall be installed in accordance with the requirements of Table 3.3 of AS 4674-2004.
  - 22) Drop-in removable ceiling panels shall **not** be used in food preparation areas or where open food is being displayed or stored.
  - 23) The food premises shall be provided with a single bowl sink with supply of hot water at a temperature of not less than 45°C for washing operations only where pre-packed food, drink and uncut fruit & vegetables are being sold.

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- 24) The food premises shall be provided with a double bowl sink with a supply of hot and cold water through a common mixing spout. Hot water shall be provided at a temperature of at least 45°C for washing operations.
  - 25) All fixtures, fittings and equipment in the food premises shall be designed in accordance the requirements of Table 4.3 of AS 4674.
  - 26) Fixtures, fittings and equipment shall comply with one of the following options:-
    - a) movable for cleaning;
    - a) built into walls with the enclosure completely vermin proofed;
    - b) butted against walls or other equipment and the joints sealed;
    - c) installed with clearance distances compliant with Figure 4.4 of AS 4674.2004; or
    - d) if installed on a plinth, installed such that it overhangs the plinths.
  - 27) All equipment used for display or storage of hot foods must be capable of maintaining such food at a temperature of not less than 60°C, and being fitted with an approved thermometer able to read easily from the outside of the appliance for the purpose of measuring this temperature.
  - 28) All equipment used for display or storage of cold foods must be capable of maintaining such food at a temperature below 5°C. Frozen foods must remain in a frozen state. The coolroom and freezer must be fitted with an approved thermometer able to be read easily from the outside of the appliance for the purpose of measuring this temperature.
  - 29) Hand wash basins shall be provided adjacent to each toilet, with taps that operate hands free. The hand wash basin shall be provided with a permanent supply of warm water delivered through a single outlet.
  - 30) Hand wash basins shall be provided at a distance of no greater than five metres from a food preparation area where open food is handled. Hand wash basins shall be provided with taps that operate hands free and be provided with a permanent supply of warm water delivered through a single outlet.
  - 31) A sufficient supply of liquid soap and disposable hand towels shall be provided at the hand wash basin.
  - 32) A separate area shall be provided for the storage of employees clothing, cleaning material and equipment.
  - 33) Toilet facilities shall be in accordance with the BCA and shall be separated from areas where open food is handled, displayed & stored or provided with self-closing doors and a mechanical exhaust system that operates when the sanitary compartment is in use.
  - 34) Access to toilet areas shall not be provided through areas (other than the dining area) where open food is handled, displayed or stored.
  - 35) All waste material shall be stored in containers with tight fitting lids at all times.
  - 36) No food whether covered or uncovered shall be stored outside of the external building facade.

Reason:- to ensure the fitout complies with the food premises standards.

42. **Foodshop notification and inspection**

- a) Foodshop notification shall be obtained from the NSW Food Authority, **prior** to commencement of business operations and a copy of the notification shall be submitted to Council. Notification can be completed on NSW Health Department's web site at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)
- b) The applicant shall notify Council not less than forty-eight (48) hours **prior** to the proposed occupation of the premise to arrange for a final compliance inspection.
- c) The applicant shall not operate the food premises until an occupation certificate has been issued.

Reason:- to enable registration of the food premises and to ensure appropriate inspections are made of the food premises.

43. **Hours of operation**

The hours of operation of the development and its ancillary uses are limited to 5.00 a.m. to 10.00 p.m. Monday to Sunday and public holidays.

Reason:- to limit the operating hours of the development so as to reduce the likely nuisance on adjoining development.

44. **CCTV Camera System**

The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

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

45. **Target hardening strategies to reduce crime**

The following target hardening strategies shall be undertaken on site to assist in the reduction of crime in the locality:-

- a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime.
- b) Warning signs strategically posted in and around the premises to warn intruders of the security measures.
- c) Additional lightning be installed in and around the premises to act as a deterrent for crime. The lighting shall be installed in accordance with the Australian Standards 1158.3 1999.

The details shall be shown in the construction plans for approval by Council or the Accredited Certifier prior to the issue of a Construction Certificate.

Reason:- to reduce the incidence of late night crime in the locality and to improve

public safety late at night.

46. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

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

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

47. **Lighting – external flood lights**

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

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

48. **Street works and ATC Approval**

Prior to the commencement of proposed on street parking related works, a detailed plan for the proposed works on street including proposed pavement markings and signage shall be submitted to Council for Auburn Traffic Committee for consideration.

The subject plan shall include

- Detail signage, parking space dimensions and surface levels.
- All existing traffic facilities, signage and markings.

*Reason:-* to comply with the regulatory requirements

49. **Flood Risk Evacuation Plan**

A flood risk evacuation plan and a Business FloodSafe Plan shall be prepared by a suitably qualified person. The flood risk evacuation plan and a Business FloodSafe Plan shall be in force at all times.

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

*Reason:-* to ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site.

50. **Flood Risk Management**

The subject development shall comply with Chapter 6 of Council's 'Auburn

Development Control Plans 2010 – Stormwater Drainage’.

In this regard, compliance certificate shall be submitted to and approved by Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason:- to reduce flood risk to the property.

51. **Stormwater disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Sydney Water channel subject to the requirements of Sydney water.

Reason:- to prevent localised flooding

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

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

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

- i. The proposed stormwater system shall be generally in accordance with the approved stormwater concept plans.
- ii. Onsite stormwater requirements and connection to the channel shall comply with Sydney Water requirements

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](http://www.auburn.nsw.gov.au)

Reason:- to ensure the stormwater is suitably discharged.

53. **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.

54. **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

55. **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

56. **Footpath Construction – Church Street**

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

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

- All associated cost shall be borne by the applicant

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

57. **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.

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.

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

58. **Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

*Reason:-* to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

59. **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.

60. **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.

61. **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.

62. **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.

63. **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.

64. **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.

65. **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.

66. **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.

#### 67. **Air conditioning units – location and acoustics**

- a) Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.
- b) The operation of air conditioning units shall be so:
  - (i) as not to cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;
  - (ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
  - (iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.
- c) 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.

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68. **Works within Council controlled lands**

1) For drainage works:

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

Inspections will be required:-

- i. After the excavation of pipeline trenches.
- ii. After the laying of all pipes prior to backfilling.
- iii. After the completion of all pits and connection points.

2) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.

3) Work is not to proceed until the works are inspected and approved by Council.

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

69. **Contract for Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

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

70. **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](http://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.

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

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

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

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

**Note:**

The consent authority or accredited certifier must either:

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

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

72. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule**, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

**NOTES:**

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
  - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is , or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

**73. 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.

**74. 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.

**75. 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.

76. **Landscaping installation & maintenance**

Landscaping must be installed and maintained in accordance with Schedule A-4 - Minimum Landscaping Requirements of Auburn General Requirements Development Control Plan prior to the issue of an Occupation Certificate.

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

77. **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.

78. **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.

79. **Bollards outside Exit Doors**

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

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

80. **Yellow Line Marking**

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

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