
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-460/2014
Property: 12-14 Northumberland Road, AUBURN NSW 2144
Description: Construction of an 11 storey mixed use development containing 81 residential units, 2 commercial tenancies and a club facility (Auburn Soccer Club) over a part 5 / part 6 storey basement car park.

1. A. **The following “Deferred Commencement” conditions are applied and must be satisfied before the consent can operate:-**

Consent is granted subject to the following “deferred commencement” conditions(s). In accordance with Section 80(3) of the Environmental Planning and Assessment Act, the development consent will not operate until Council is satisfied as to the matters set out in the “deferred commencement” condition.

DC1 Sydney Water requirements

Prior to commencement of any work, the applicant shall make suitable arrangements with Sydney Water for:-

- The relocation of the existing Sydney Water stormwater pipeline that currently passes through the site.
- Controlled overland flow provision for stormwater runoff events in excess of the capacity of the relocated Sydney Water stormwater pipeline.

The applicant is to provide to Council written advice from Sydney Water that suitable arrangements have been agreed with Sydney Water.

Reason:- to ensure Sydney Water assets are protected.

DC2 Relocation of Sydney Water pipe

The existing Sydney Water pipe traverses through the site shall be diverted to the satisfaction of Council and Sydney Water. In this regard:-

- The Sydney water pipe within the properties known as 91-95 and 97 Rawson Street Auburn; 12-14, 16, 18 and 20 Northumberland Road and lot 11 of DP1202347 shall be diverted along Rawson Street and Northumberland Road.
- The proposed pipe shall be located within the road reserve.
- The proposed pipe shall be sized to a minimum of 20 year ARI storm event capacity with adequate inlet capacity.
- Detailed plans showing the pipe size, location with invert levels and other existing services shall be submitted to Council and Sydney Water for assessment and approval.
- Detailed management of any local discharge connections to Sydney Water pipe including overland flow path and emergency escape route shall be addressed.
- All associated cost shall be borne by the applicant.

Reason:- to ensure Sydney Water requirements are complied with.

DC3 Amended flood report

Amended flood report addressing the following shall be submitted for approval:-

- The subject study states in section 1.1 that the study relies on the advice provided by NPC. The site conditions shall be investigated and the flood plain assessed.
- The subject study identifies the 100yr ARI flow around 10 cum/s (page 3) and 7 cum/sec as an overland flow. The quantities have not been validated or stated on further assessment reports.
- The subject analysis has been undertaken by using “rainfall on grid” method modelling. Council does not accept “rainfall on grid” method. The flood analysis shall be undertaken by using separate hydrologic and hydraulic modelling.
- The conclusions stated in the report do not address the impact due to the proposed development. It is simply stated with a general statement that the proposed development has minimal impacts outside the proposed developments (item (iv)) of the conclusion.
- There are map stating updated conditions. It is not clear in the report about this updated condition.
- The proposed outlet (invert) along the frontage is approximately 360mm higher than the existing driveway level. Council believes that this level change will have significant impact on upstream floodplain and additional flow through the adjacent property. It shall be noted that the subject design has impact on the 5-7 Northumberland Road property adjacent to lane way by 60mm. Council believes that there should not be an impact. There is also an increase of 53 mm in the flood levels of the Station Street properties.
- Council has adopted a 50% blockage factor for flood modelling. The provided channel through the building must also be considered with a 50% blockage factor.
- Velocity x depth value of the overland flow path shall be provided in order to assess impact of the flow path on pedestrian vehicular traffic movements.
- The flood study shall incorporate the proposed diversion of Sydney Water and Council asset as per the requirements.

Reason:- to ensure development does not have adverse impact on flood levels or other properties.

DC4 Council’s Storm water pipe and associated overland flow path

The existing storm water pipe along the northern boundary shall be relocated within the site to the satisfaction of Council. In this regard:-

- Detailed plan showing the pipe shall be submitted to Council.
- Proposed pipe shall be extended to Northumberland Road.

- Overland flow path shall be provided to Northumberland road up to 100 year ARI storm event and in case of blockage.
- Prior to the issue of any Construction Certificate, detailed design shall be submitted and approved by Auburn City Council's Indirect Services section.

Reason:- to ensure overland flow path and Council's pipes are retained.

DC5 Stormwater plan

Detail stormwater design shall be submitted to Auburn City Council for approval. The stormwater plan shall comply with Auburn City Council's DCP requirements. In this regard:-

- On site stormwater detention storage system shall be provided in conjunction with the stormwater disposal. The details shall be prepared by qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987.
- Detailed on-site detention calculation sheets and Council's submission checklist are to be submitted.
- Detail section of the OSD tank shall be submitted. The section shall incorporate high early discharge control pit, dry platform, orifice, step irons and grated access covers. OSD shall comply with Council's standard sections.
- Detail longitudinal section of the proposed outlet pipe from the OSD tank to Council's pipe drainage system shall be submitted. The plan shall show the proposed pipe size, invert levels, pipe grades and hydraulic grade lines.
- Basement pump out system shall comply with Council's stormwater DCP. Basement below ground and above ground storage volumes shall comply with Section D3.6 of the Stormwater DCP.
- All proposed stormwater diversions and associated overland flow paths shall be clearly shown on the stormwater plans.
- Rainwater tanks shall be provided.

Reason:- to prevent localised flooding.

DC6 Parking and Loading design

Amended plans addressing following shall be submitted for Council approval:

Access/ Parking

- Aisle width between a parallel parking and 90 degree parking in basement B2 shall be a minimum 6.3 metres. Parking space dimensions and the aisle widths shall be marked on the plan.
- Turning bays shall be provided in the commercial parking area blind aisles.
- Curved ramp width shall comply with Table 2.2 of the Australian Standard AS 2890.1. In this regard, ramp widths shall be marked on the plan. A separator

median shall be provided on two way curved ramps if the radius of the outer ramp kerb is less than 15.0m.

- Width of the visitor parking space and employee parking space shall be minimum 2.6m and 2.4m respectively. Additional 300mm shall be provided for the parking spaces next to the obstruction such as walls and column. In this regard additional clearance shall be provided for all the parallel parking spaces.
- Power pole shall be minimum 1.2m from the proposed driveway. In this regard, written consent from the relevant authority shall be submitted with respect to the relocation of the power pole.
- Accessible parking that uses the common shared zone shall be designed in such a way that a common bollard can be used as specified in the Australian standard AS2890.6.

Reason:- to ensure car parking facilities are compliant with the Australian Standards.

DC7 Loading/ Waste

Heavy rigid vehicle (HRV) access shall be provided for loading area for the proposed club. The HRV shall enter and leave the site in a forward direction. In this regard detail swept path analysis shall be provided. Headroom for the trucks shall comply with Australian standard AS2890.2.

Reason:- to ensure the loading area is adequate for use by heavy rigid trucks.

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

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

2. Approved Plans - Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, **except as modified by the deferred commencement condition of approval:**

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Site Analysis Drawing DA01	Zhinar Architects	B	18/5/2015
Site Plan Drawing DA02	Zhinar Architects	B	18/5/2015
Basement 6 Plan Drawing DA03	Zhinar Architects	B	18/5/2015
Basement 5 Plan Drawing DA04	Zhinar Architects	B	18/5/2015
Basement 4 Plan Drawing DA05	Zhinar Architects	B	18/5/2015
Basement 3 Plan Drawing DA06	Zhinar Architects	B	18/5/2015

Basement 2 Plan Drawing DA07	Zhinar Architects	B	18/5/2015
Basement 1 Plan Drawing DA08	Zhinar Architects	B	18/5/2015
Ground Floor Plan Drawing DA09	Zhinar Architects	D	27/11/2015
Level 1 Plan Drawing DA10	Zhinar Architects	C	20/11/2015
Level 2 Plan Drawing DA11	Zhinar Architects	C	20/11/2015
Level 3 Plan Drawing DA12	Zhinar Architects	B	18/5/2015
Level 4 to Level 10 Typical Plan Drawing DA13	Zhinar Architects	B	18/5/2015
Roof Plan Drawing DA14	Zhinar Architects	B	18/5/2015
Elevation Drawing DA15	Zhinar Architects	C	20/11/2015
Elevation Drawing DA16	Zhinar Architects	C	20/11/2015
Elevation Drawing DA17	Zhinar Architects	C	20/11/2015
Elevation Drawing DA18	Zhinar Architects	B	18/5/2015
Sections Drawing DA19	Zhinar Architects	B	18/5/2015
Material Schedule Drawing DA20	Zhinar Architects	B	18/5/2015
DA Acoustic Assessment Document Reference 20141400.1/0306A/R1/JL	Acoustic Logic		3/6/2015
Access Compliance Report Report Number A410311	Certified Building Specialists		17 December 2014
Qualitative Wind Assessment Report Number 610.14748-R1	SLR Global Environmental Solutions		16 December 2014
Arboricultural Impact Assessment Reference Number 1222	Redgum Horticultural		1 December 2014
BASIX Certificate Certificate Number 599696M-02			3 June 2015
Assessor Certificate Certificate Number BDAV14510403	David Gradwell		3 June 2015
Details, Notes and Legend Drawing Number D1	Quantum Engineers	B	30/11/2015
Basement Level 6 Plan Drawing Number D2	Quantum Engineers	B	30/11/2015
Basement Level 5 Plan Drawing Number D3	Quantum Engineers	B	30/11/2015

Basement Level 4 Plan Drawing Number D4	Quantum Engineers	B	30/11/2015
Basement Level 3 Plan Drawing Number D5	Quantum Engineers	B	30/11/2015
Basement Level 2 Plan Drawing Number D6	Quantum Engineers	B	30/11/2015
Basement Level 1 Plan Drawing Number D7	Quantum Engineers	B	30/11/2015
Site / Ground Floor Plan Drawing Number D8	Quantum Engineers	B	30/11/2015
Level 2 Floor Plan Drawing Number D9	Quantum Engineers	B	30/11/2015
Roof Plan Drawing Number D10		B	30/11/2015
OSD Pump out Tank and Section C Details and Calculations Drawing Number D11	Quantum Engineers	B	30/11/2015
Sediment Control Plan Drawing Number D12	Quantum Engineers	B	30/11/2015
Sediment Control Details Drawing Number D13	Quantum Engineers	B	30/11/2015

The plans will not be “stamped” by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

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

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

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 any occupation Certificate.

A sum of \$477,845.27 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	\$115,969.91
Public Domain	\$256,489.43
Accessibility and Traffic	\$70,697.70

Administration	\$27,112.36
Employment Generating Development	\$7,575.87
TOTAL	\$477,845.27

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. **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.

5. **Submission of Construction Certificate**

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

NOTES:

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

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

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

6. **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.

7. **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.

8. **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.

9. Provision of Street Numbers

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

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

10. **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.

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

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than \$20,000 (*or as varied from time to time by the Home Building Act 1989*).

Where the contract price or the reasonable market cost of the labour and materials involved does not exceed \$20,000, there is no legal requirement for home warranty insurance to be obtained.

Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over \$1,000.

Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds \$20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

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

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

12. **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.

13. **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.

14. **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.

15. **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.

16. **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.

17. 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.

Reason:- to comply with the Environmental Planning and Assessment Regulations.

18. No Advertising Approved

No additional advertising structures or signs shall be erected, affixed, painted or displayed without prior Council consent.

Reason:- to prevent the proliferation of signs which will result in a degradation of the visual quality of the area.

19. Business and building identification signage

Business and building identification signage shall comply with the following:-

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent of Council.
- c) The signage shall not:-
 - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - ii) include any apparatus to provide any sound;
 - iii) carry a message(s) which is offensive;
 - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - v) contain interchangeable or movable parts;
 - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
 - vii) must not impede the ability of the occupants to exit the building under emergency conditions.

- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

20. **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.

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

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

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*).
- 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).
- d) Method of protecting window/door openings as required by BCA Part 3.
- e) 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).
- f) A Building Code of Australia Report addressing Sections C, D, E, F, G, H and I of the Building Code of Australia.
- g) A statement prepared by a Disability Access Consultant conforming that the building is compliant with Part D3 of the Building Code of Australia (The National Construction Code Series) and the Disability (Access to Premises Building) Standards 2010, AS1428.1-2009, AS1428.2, AS1428.3, AS1735.12, AS2890.1, AS1680.0, AS3661.1, AS4299, AS4586 and AS1228.2.

Reason:- to ensure that adequate information is submitted to enable assessment or

that the development can proceed with the concurrence of others.

22. **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.

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. **PCA - Inspection of works - general & site management**

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

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

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

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

ADVISORY NOTE

If Council is appointed as the PCA, the following critical inspections (as applicable to the development), must be arranged:

- a) *Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.*
- b) *The pier holes before they are filled with concrete.*
- c) *The foundation material prior to covering.*
- d) *The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).*
- e) *The dampcourse level, ant capping and floor timbers before the floor materials are laid.*
- f) *The framework including roof members when completed and prior to the fixing of any internal sheets.*
- g) *Prior to covering waterproofing in any wet area.*

- h) *Fire resisting construction before concealment.*
- i) *Upper floor beams and joists before the fixing of any flooring material.*
- j) *The rainwater drainage lines within the property boundaries when completed and before covering.*
- k) *Final inspection.*

A minimum of 48 hours notice must be provided to Council to enable the following inspections to be carried out during the course of construction.

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

25. **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.

26. **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.

27. **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.

28. **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 stages of construction**:

(Setbacks and levels at commencement)

- 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.

(Setbacks and levels at completion)

- 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.

(Maximum height of building at completion)

- c) On completion of the building verifying that the maximum height limit of the building does not exceed 38 metres as per the maximum requirement established by Clause 4.3 of the Auburn Local Environmental Plan 2010.

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

29. **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 or B Hoardings.**

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

30. 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) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- d) 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.
- e) 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.
- f) 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.
- g) 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.

31. 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.

32. 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.

33. **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.

34. **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 abovementioned 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.

35. **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.

36. **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.

37. **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.

38. **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.

39. **Dial before you dig (advisory)**

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.

40. **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.

41. **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.

42. **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.

43. **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 prior to commencement of any works. 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.

44. **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.

45. **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.

46. **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.

47. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area 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.

48. **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 Northumberland Road.

Reason:- to prevent localised flooding.

49. **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,

- The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of deferred commencement conditions.
- All access grates to the detention facility shall be double (2/900x450) hinged grates.
- Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.
- Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

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.

50. **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.

51. **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.

52. **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.

53. **Engineer Certificate for 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.

54. **Footpath design - Northumberland Road**

The footpath adjoining the site shall be constructed in concrete unit paving in accordance with the Auburn Council Town Centres Infrastructure Manual. All associated costs shall be borne by the applicant. Site boundary levels shall be raised where necessary to eliminate any existing low-level footpath profiles, with satisfactory end-transitions provided. In this regard:-

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

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.

55. **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 5 (five) minutes, one pump acting in reserve capacity.
- a) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- b) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the “off” position or there is a break in electrical supply.
- c) A storm of two hours’ duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- d) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

56. **Footpath Construction - Northumberland Road**

Prior to the issue of any Occupation certificate, the footpath adjoining the site shall be constructed to the satisfaction of Council’s Infrastructure Section in accordance with the Council approved plan. In this regard:-

- All associated inspections shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- All services shall be adjusted to relevant Authority requirements to the design levels.

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

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.
- vi) Basement pump out volumes.

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

In this regard:-

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

Checklists A3, A4 & A5 in the appendix of the "Auburn development control plans 2000 stormwater drainage" shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

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

58. Works within Council controlled lands

- (1) For drainage works:
 - a) Within Council controlled lands.
 - a) Connecting to Council's storm water drainage system.

Inspections will be required:-

- i) After the excavation of pipeline trenches.
- i) After the laying of all pipes prior to backfilling.
- ii) 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.

59. Footpath / Nature strip maintenance during and after construction

The footpath and nature strip within the street frontages shall be maintained during

the period of construction to Council's satisfaction.

Reason:- to ensure pedestrian safety during the construction period.

60. **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.

61. **Maintenance of the storm water pipe**

The storm water pipe within the subject property shall be protected and maintained by the body corporate. In this regard:-

A restriction as user and a positive covenant under the conveyancing act shall be registered on the title.

The above covenant shall be registered on the title prior to the issue of any occupation certificate.

All associated cost shall be borne by the applicant.

Reason:- to ensure the protection and maintenance of the council pipes.

62. **Basement access ramp design**

Basement access ramp shall be widened and realigned to Council's satisfaction. In this regard, an amended plan shall be submitted for Council's Approval.

Reason:- to prevent vehicular manoeuvring encroachment into the storm water channel/easement.

63. **Creation of drainage easement**

A drainage easement in favour of Auburn City Council shall be created over the proposed pipe to the satisfaction of Council. Prior to the issue of any occupancy certificate, all associated documents shall be registered in the land and property information.

Reason:- to ensure the availability of drainage easement through the site.

64. **Works near Sydney Water assets**

Prior to the issue of any construction certificate for any works in the vicinity (within 4 metres laterally) of the existing Sydney Water stormwater pipeline that currently passes through the site, the applicant shall construct and activate the relocation of the Sydney Water stormwater pipeline to the requirements of Sydney Water.

Reason:- to ensure Sydney Water requirements are complied.

65. **On street drainage design**

Prior to the issue of any Construction Certificate, a detail design for the proposed connection to existing Council's stormwater pipe shall be submitted and approved by the Manager of Development Assessment of Auburn City Council.

A Longitudinal section of the proposed stormwater outlet within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted for approval.

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

66. **On street drainage construction**

Prior to the commencement of any drainage works, the street drainage works shall be completed to Council's satisfaction at no cost to Council.

Inspections will be required for the works related to the proposed connection to Council's storm water drainage system at following stages:

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

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.

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

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

67. **Structural design of the suspended pipe**

Suspended pipes and supporting structure shall be designed by an appropriately qualified practising structural engineer. A certificate from a practising structural engineer verifying that the stormwater pipe and supporting structures is capable of supporting the additional loads imposed during stormwater flow shall be submitted to the Council or Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason:- to ensure the structural stability of the suspended pipe.

68. Structural Engineering certificate - suspended pipe

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the suspended pipes 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 and approved by Principal Certifying Authority prior to the issue of any Occupation Certificate.

The certificate shall be submitted to Council with the works-as-executed plan.

Reason:- to ensure the construction is structurally adequate of the suspended pipe

69. On Street drainage construction - Sydney Water System

Prior to commencement of any construction works on site including site preparation works, the proposed Sydney Water pipe diversion shall be constructed in accordance with Council and Sydney water approved plans as part of deferred commencement condition. In this regard:-

- A separate on street construction approval shall be obtained from Council.
- Prior to commencement of construction, a minimum of two (2) million dollars bank guarantee shall be submitted to Council as a bond.
- All associated inspection shall be carried by Council and Sydney water.
- All associated cost shall be borne by the applicant.

Reason:- to ensure the new pipe prior to removal of the existing pipe.

70. Council's Storm water pipe and associated overland flow path

The existing storm water pipe along the northern boundary and overland flow path shall be maintained during and after the construction in this regard:-

- Prior to the issue of any construction certificate, a detailed plan shall be submitted to Manager Development Assessment for approval.
- The proposed pipe shall be extended to Northumberland Road.
- Overland flow path shall be provided to Northumberland road up to 100 year ARI storm event and in case of blockage.

Reason:- to ensure the existing drainage system for benefitted properties.

71. Ramp gradients

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section of the ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

Copy of the approved plan shall be submitted to Council.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

72. Service relocation / Adjustment

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

All the costs shall be borne by the applicant.

Reason:- to protect utility services

73. 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.

74. Television Aerial/Satellite Dish

A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

Reason:- to ensure the provision of these services does not impact on the finished appearance of the development.

75. 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.

76. **Subdivision development application requirements**

The following requirements will apply to any future development application for subdivision at the site:-

- a) The Strata subdivision or other subdivision of the development being the subject of a further Development Application to Council; and,
- b) This development application for subdivision must be accompanied by the following documentation that indicates:-
 - i) The requirement for the employment of a person 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.
 - ii) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under this Development Consent.
 - iii) Responsibilities with regard to the operation maintenance of artificial features at the property (eg water features, intercom systems, vehicle access doors etc.) in accordance with the plans and details approved under this Development Consent.
 - iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times.
 - v) Responsibilities to ensure that receptacles for the removal of waste, recycling on the designated day of collection.
 - vi) The Owners Corporation obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
 - vii) The Owners Corporation/Executive Committee obligations to ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.

Reason:- to ensure appropriate documentation is submitted with any application for subdivision of the development.

77. **Air emissions**

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. Waste gases released from the premises must not cause a public nuisance nor be hazardous or harmful to human health or the environment.

Reason:- to protect human health and the environment.

78. **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.

79. **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.

80. **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.

81. **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.

82. **Light Overspill**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Reason:- to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

83. **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.

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

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

- a) 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.

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- b) 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.
 - c) 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.
 - d) All windows, doors, entrances/exits and serving latches shall be protected against the entry of pests.
 - e) 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.
 - f) 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.
 - g) All service pipes, drains, cables and duct penetrations shall be effectively sealed to prevent entry of pests.
 - h) 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.
 - i) 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.
 - j) The applicant shall refer to Sydney Water for trade waste requirements **prior** to the business use commencing.
 - k) Grease arrestors shall not be located in areas where food, equipment or packaging materials are handled or stored.
 - l) 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.
 - m) Floors in the food premises shall be finished with a surface that complies with Table 3.1 of AS 4674.2004.
 - n) Floors in the food preparation areas shall be graded and drained to a floor waste connected to the sewerage system.
 - o) The intersection of floors with walls shall be coved in accordance with diagrams

3.1 and 3.2 of AS 4674.2004.

- p) 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.
- q) 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.
- r) Wall surfaces shall provide a smooth even finish, free of buckles, ledges, fixing screws, picture rails, open joints, cracks & crevices.
- s) Ceilings in the food premises shall consist of a non perforated material and finished free of open joints, cracks & crevices.
- t) The intersections of walls and ceilings shall be tight jointed, sealed and dust proof.
- u) Ceilings in other areas shall be installed in accordance with the requirements of Table 3.3 of AS 4674-2004.
- v) Drop-in removable ceiling panels shall **not** be used in food preparation areas or where open food is being displayed or stored.
- w) 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.
- x) 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.
- y) All fixtures, fittings and equipment in the food premises shall be designed in accordance the requirements of Table 4.3 of AS 4674.
- z) 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.
- aa) 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.
- bb) 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.
- cc) 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.

- dd) 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.
- ee) A sufficient supply of liquid soap and disposable hand towels shall be provided at the hand wash basin.
- ff) A separate area shall be provided for the storage of employees clothing, cleaning material and equipment.
- gg) 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.
- hh) Access to toilet areas shall not be provided through areas (other than the dining area) where open food is handled, displayed or stored.
- ii) All waste material shall be stored in containers with tight fitting lids at all times.
- jj) 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.

85. **Mechanical Ventilation/Exhaust System**

- a) Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to Council or the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
- b) At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:-
 - i) inspection, testing and commissioning details,
 - ii) date of inspection testing and commissioning,
 - iii) the name and address of the individual who carried out the test, and
 - iv) a statement that the service has been designed, installed and is capable of operating to the above standard.
- c) In the event of Council receiving complaints resulting from the mechanical exhaust system, the owner/occupier shall at their own cost provide a report from a Air Quality Consultant specifying the proposed methods for the control of odour and other air impurities discharging from the premises.
- d) The mechanical exhaust vent shall extend no less than one (1) metre above the subject buildings apex, or the adjoining buildings apex in the event of a shared common wall.

- e) Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.
- f) Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

Reason:- to ensure compliance with relevant standards.

86. **Waste Storage Facilities**

The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.**

Reason:- to ensure a suitable area has been created for the collections, storage and disposal of waste.

87. **Trade Waste**

The food premises must comply with the following requirements:-

- a) Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.
- b) The disposal of waste materials in the domestic garbage service is not permitted. All waste materials must be collected by a waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council prior to occupation of the building.

Reason:- to ensure that trade waste is properly disposed of.

88. **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
- 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.

89. **Mechanical Ventilation Systems/Cooling Towers**

The mechanical ventilation system shall comply with *Australian Standard AS1668.2*

– 1991. *The use of mechanical ventilation and air conditioning in buildings*. Prior to installation, the design is to be certified by a person competent to do so. At the completion of the installation of the mechanical ventilation system, the work shall be certified by a person competent to do so. The certification shall include:-

- inspection, testing and commissioning details
- date of inspection testing and commissioning
- the name and address of the individual who carried out the test
- a statement that the service has been designed, installed and is capable of operating to the above standard.

Any cooling tower installation shall be designed, installed and maintained in accordance with the requirement of the Public Health (Microbial Control) Regulation 2000 and Australian Standard AS/NZS 3666.2:1995 *Air-handling and water systems of buildings Microbial control Operation and maintenance*. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

A copy of the installation certificate shall be submitted to Council **prior to occupation of the building** to enable details of any cooling towers to be entered on Council's Cooling Tower register.

Reason:- to ensure compliance with the Building Code of Australia and Public Health (Microbial Control) Regulation 2000.

90. **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.

91. **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.

92. **Number of Car Parking Spaces**

A total of 221 off-street car parking spaces are to be provided to the development as follows:-

- Residential - 98 spaces.
- Visitor - 8 spaces.
- The club - 115 spaces.

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 Parking & Loading DCP.

93. **Signs for Visitor Parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor parking spaces shall be clearly sign marked.

Reason:- to ensure the visitor parking spaces are clearly identified.

94. **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.

95. **Vehicles Related to the Development to be Parked on the Development Site**

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

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

96. **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.

97. **Headroom clearance - within the Basement**

The headroom clearance within the basement shall comply with AS 2890.1 and 2890.6 requirements. Minimum 2.2m headroom clearance shall be provided within the basement and all the car parking spaces except accessible car parking spaces.

Minimum 2.5m headroom shall be provided within the accessible car parking spaces.

In this regard detail longitudinal section of ramps, to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason:- to ensure headroom clearance complies with Australian Standards AS

2890.1 AS2890.6 and Council's DCP.

98. **Traffic Management**

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

Reason:- to minimise the impact on street traffic.

99. **Vehicle manoeuvring**

The swept path of the longest vehicle to service the site entering and leaving as well as manoeuvrability within the site shall be in accordance with Austroads. Appropriate plans shall be submitted with the Construction Certificate confirming full compliance with the AUSTROADS provisions.

Reason:- to ensure adequate manoeuvrability of vehicles within and external to the site.

100. **Loading and Unloading of Vehicles**

All deliveries to and from the site being:-

- Loading and unloading associated with the club.
- Furniture removals.
- Garbage collection.

Are to be conducted from vehicles standing within designated loading areas at the rear of the club building and not on access driveways including the access driveway situated at the front of the club building, car parking spaces or on Northumberland Road at the front of the site.

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

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

An intercom and remote access system shall be provided at the vehicular access point to the residential part of 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.

102. **Driveway surface treatment**

Driveway surface treatments must finish at the property boundary.

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

103. 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.

104. Car park and service vehicle area layout

- a) The layout of the car park, driveways, grades, turning paths, sight distance requirements, aisle width, aisle lengths and parking bay dimensions shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking.
- 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.

105. Development at no cost to Roads and Maritime Services

All works, regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime Services.

Reason:- to ensure the developer pays for all regulatory signposting.

106. 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.

107. **Maintenance Schedule**

Prior to the issue of a Construction Certificate, a maintenance schedule to be submitted to the Principal Certifying Authority for approval as to the ongoing maintenance and upkeep of the finishes and materials to the building. This shall include, but not be limited to the following:

- a) The exterior of the buildings being painted at least once in every ten year period.
- b) The externally visible windows of the buildings being washed once every year; and
- c) Timber work (screens, fences and the like) to the building and site being protected against fading/discolouration and warping.

Reason:- to ensure adequate ongoing maintenance to the development.

108. **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.

109. **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.

110. **Common Wall Construction**

Prior to the issue of a Construction Certificate, construction drawings shall be

submitted to the Principal Certifying Authority for approval to indicate that common party walls between the dwellings being constructed from solid masonry materials and not being lightweight construction.

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

111. **Plumbing - separation and containment**

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.

Reason:- to ensure adequate separation and containment of plumbing between dwellings.

112. **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.

113. **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.

114. **Switchboards/Service Panels**

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building.

Reason:- to ensure that switchboards and service panels are appropriately located and do adversely impact on the appearance/presentation of the front building facade.

115. **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.

116. 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.

117. 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.

118. Car Wash Bay

An open service area measuring at least 5.5 metres x 3.0 metres is to be provided for use by residents for car cleaning and washing activities as shown on Plan Number DA 05 (Basement Level 4). This area is to be suitably located, paved, graded and drained.

All waste water from the car wash bay shall be discharged to sewer under a Trade Waste Agreement from Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The means of disposal shall comply with:-

- EPA's *Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)*.
- EPA's *Managing Urban Stormwater: treatment techniques*.

Details are to be submitted with the construction certificate.

Reason:- to designate a car washing area within the development and to ensure waste water is properly managed.

119. Vehicle washing

Washing of vehicles shall be conducted in a car washbay as indicated on the approved plans. The carwash bay shall be installed in accordance with Sydney Water's requirements. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water before discharge to sewer commences and a copy provided to the Principal Certifying Authority and Council prior to the issuing of the construction certificate. The car wash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

a) The means of disposal shall comply with:-

- EPA's *Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)*.

- EPA's *Managing Urban Stormwater: treatment techniques*.
- b) The following requirements must be incorporated into the car wash bay design/operation:-
- Have an adequate parking and washing floor space.
 - Have an adequate turning area.
 - Provide a water supply.
 - Minimise water use with appropriate devices (eg such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
 - Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
 - Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
 - Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.
 - Have good ventilation and good lighting.
 - Have regard to the safety of pedestrians and traffic.
 - The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
 - Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.
 - Have an approved maintenance management plan which includes a contingency plan in case of system failure.

Reason:- to ensure waste water is properly managed and to ensure the efficient operation and management of the carwash facilities within the development.

120. **Noise and Vibration**

The use of the club 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 facade 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 LA eq period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure LAeq 15 min 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.

121. **Compliance with Submitted Acoustic Report**

All noise control measures specified in the acoustic assessment report prepared by Acoustic Logic, reference number 20141400.1/03606A/R1/JL dated 3/6/2015 shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

Reason:- to ensure satisfactory amenity for residents.

122. **Acoustic Certification**

Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic assessment report prepared by Acoustic Logic, reference number 20141400.1/03606A/R1/JL dated 3/6/2015.

Where the criteria is not achieved, a further acoustic report shall be prepared addressing any noise issue. The report shall recommend appropriate noise control measures to be implemented to address the noise issue.

Reason:- to ensure satisfactory residential amenity.

123. **Liquor Licensed Premises**

Noise emissions from the licensed premises shall comply with the following:-

- The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

NOTE: where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent condition shall prevail.

Reason:- to protect the environment.

124. Air conditioning units - location and acoustics

- a) 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.

125. Intruder Alarms

Any intruder alarm installed within the club 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.

126. Use of building not to commence until conditions of consent satisfied

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

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

127. Separate consent required prior to occupation of premises

Separate Development Consent or a Complying Development Certificate approval must be obtained prior to occupation of the retail tenancy and café on the ground

floor and the registered club on the ground floor and first floor.

Reason:- to control and regulate the use of the premises.

128. **CCTV Camera System**

The Management/Licensee shall install CCTV surveillance cameras in and around the club 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.

129. **Surveillance tapes:**

The surveillance tapes captured by the CCTV cameras shall be kept for a period of 14 days for viewing by the police upon request with the recording device located in a secure area to maintain the integrity of the recorded footage.

- Digital and monitored technology should be used to record images from the cameras.
- Installed surveillance equipment should be maintained in working order and regularly tested.

Reason:- to improve public safety late at night and to maintain the integrity of the recorded footage.

130. **Security Management Plan**

The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Auburn Council prior to the issue of a construction certificate.

Reason:- to ensure the development provides acceptable security measures to preserve residential amenity and patron and worker safety.

131. **Graffiti and Vandalism Rectification**

Should the external fabric of the building 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.

132. **Warning signage**

Warning signs shall be placed strategic points within the premises especially near entry points to warn intruders of the security measures of the building. Examples of such signage may include:-

- Warning - The premises are under constant surveillance.
- Warning - Don't leave valuables inside your vehicle.

In addition, directional signage should be posted at decision making points such entry / exit points to provide guidance to patrons whilst driving their vehicle.

Details shall be shown in the Construction Certificate plans for approval by Council or the Accredited Certifier.

Reason:- to improve and promote adequate safety for the building and club premises.

133. Sublease of premises

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

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

134. Side/Rear Boundary Fencing

Any fencing located on the side or rear boundaries of the premises, behind the main building setback (not within the front yard), shall not exceed a maximum height of 1.8 metres.

Reason:- to maintain reasonable levels of amenity to the adjoining premises.

135. Telecommunications Facilities - Residential

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

- 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.
- 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.
- 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.
- 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.

136. Lighting to publicly accessible areas

The following lighting requirements shall be complied with:

- 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.

Lighting levels should be appropriate for the users, activities and task of any area.

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

137. **Mail Box Structure**

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

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

138. **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.

139. **Garbage Storage and Collection**

All garbage shall be removed from the site directly from the loading / unloading bay situated at the rear of the development. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

140. **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.

141. **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.

142. **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.

143. 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.

144. 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.

145. Fire and safety measures

All Australian standards in relation to fire safety, fire escapes, evacuation procedures and evacuation assembly point are to be complied with at all times.

In addition, a copy of the Operating Orders for fire safety for the entire building are to be provided to Flemington Police Command for its records prior to the issue of the Occupation Certificate. The Operating Orders shall include up to date contact person details to enable Flemington Police officers to make appropriate contact with owners in the event of an emergency.

Reason:- to ensure and promote adequate fire safety for the building.

146. **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.

147. **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.

148. **Smoke Detection/Alarm Systems - Class 2 Buildings**

The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans/specification for the **Construction Certificate**.

Reason:- to ensure that reasonable levels of fire safety are provided in the building.

149. **Sanitary Compartment doors - All Buildings**

The door to a fully enclosed sanitary compartment must open outwards OR slide OR be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.

Reason:- to comply with BCA F2.5 and Part 3.8.3.3.

150. **Emergency Lighting and Illuminated Exit Signs**

A complete system of emergency lighting and illuminated exit signs is to be installed throughout the building.

Reason:- to assist people exiting the building in the event of power failure.

151. **Portable fire extinguishers**

Portable fire extinguishers shall be provided throughout the building to the

requirements of E1.6 of the BCA and AS2444.

Reason:- to allow occupants to undertake initial attack on fire.