CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-329/2015
Property: 23 Bennelong Parkway, WENTWORTH POINT NSW 2127
Description: Stage 1 development - demolition and construction of five residential buildings containing 273 apartments, above 3 levels of basement parking including provision of a new public road and park. Integrated Development (Water Management Act 2000)

1. **Approved Plans**

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

Plan Number	*Prepared By*	*Revision No.*	*Dated*
DA002 – Site plan	Stanisic architects	A	11.09.15
DA048 – Overall plan, Basement plan 3	Stanisic architects	A	11.09.15
DA049 – Overall plan, Basement plan 2	Stanisic architects	A	11.09.15
DA050 – Overall plan, Basement plan 1	Stanisic architects	A	11.09.15
DA051 – Overall plan, Lower ground	Stanisic architects	A	11.09.15
DA052 – Overall plan, Level 1/Ground	Stanisic architects	A	11.09.15
DA101 – Block A, Lower ground plan	Stanisic architects	A	11.09.15
DA102 – Block A, Level 1/Ground floor plan	Stanisic architects	A	11.09.15
DA103 – Block A, Level 2 plan	Stanisic architects	A	11.09.15
DA104 – Block A, Level 3 plan	Stanisic architects	A	11.09.15
DA105 – Block A, Level 4 plan	Stanisic architects	A	11.09.15
DA106 – Block A, Level 5 plan	Stanisic architects	A	11.09.15
DA107 – Block A, Roof plan	Stanisic architects	A	11.09.15
DA118 – Block B, Basement 3 plan	Stanisic architects	A	11.09.15
DA119 – Block B, Basement 2 plan	Stanisic architects	A	11.09.15
DA120 – Block B, Basement 1 plan	Stanisic architects	A	11.09.15
DA121 – Block B, Lower ground plan	Stanisic architects	A	11.09.15
DA122 – Block B, Ground floor plan	Stanisic architects	A	11.09.15
DA123 – Block B, Level 2 plan	Stanisic architects	A	11.09.15

DA124 – Block B, Level 3 plan	Stanisic architects	A	11.09.15
DA125 – Block B, Level 4 plan	Stanisic architects	A	11.09.15
DA126 – Block B, Level 5 plan	Stanisic architects	A	11.09.15
DA127 – Block B, Level 6 plan	Stanisic architects	A	11.09.15
DA128 – Block B, Level 7 plan	Stanisic architects	A	11.09.15
DA129 – Block B, Level 8 plan	Stanisic architects	A	11.09.15
DA130 – Block B, Level 9 plan	Stanisic architects	A	11.09.15
DA131 – Block B, Roof plan	Stanisic architects	A	11.09.15
DA138 – Block C, Basement 3 plan	Stanisic architects	A	11.09.15
DA139 – Block C, Basement 2 plan	Stanisic architects	A	11.09.15
DA140 – Block C, Basement 1 plan	Stanisic architects	A	11.09.15
DA141 – Block C, Lower ground plan	Stanisic architects	A	11.09.15
DA142 – Block C, Level 1/Ground floor plan	Stanisic architects	A	11.09.15
DA143 – Block C, Level 2 plan	Stanisic architects	A	11.09.15
DA144 – Block C, Level 3 plan	Stanisic architects	A	11.09.15
DA145 – Block C, Level 4 plan	Stanisic architects	A	11.09.15
DA146 – Block C, Level 5 plan	Stanisic architects	A	11.09.15
DA147 – Block C, Level 6 plan	Stanisic architects	A	11.09.15
DA148 – Block C, Level 7 plan	Stanisic architects	A	11.09.15
DA149 – Block C, Level 8 plan	Stanisic architects	A	11.09.15
DA150 – Block C, Level 9 plan	Stanisic architects	A	11.09.15
DA151 – Block C, Roof plan	Stanisic architects	A	11.09.15
DA200 – Block A, Elevations sheet 1	Stanisic architects	A	11.09.15
DA220 – Block B, Elevations sheet 1	Stanisic architects	A	11.09.15
DA221 – Block B, Elevations sheet 2	Stanisic architects	A	11.09.15
DA222 – Block B, Elevations sheet 3	Stanisic architects	A	11.09.15
DA240 – Block C, Elevations sheet 1	Stanisic architects	A	11.09.15
DA241 – Block C, Elevations sheet 2	Stanisic architects	A	11.09.15

DA242 – Block C, Elevations sheet 3	Stanisic architects	A	11.09.15
DA260 – Block A+B, Sections	Stanisic architects	A	11.09.15
DA261 – Block C, Sections	Stanisic architects	A	11.09.15
LDA-1451-01 Landscape plan	Stuart Noble	A	16.09.15
LDA-1451-02 Bay Park and Through site link	Stuart Noble	A	16.09.15
LDA-1451-03 Planting concept plan	Stuart Noble	A	16.09.15
LDA-1451-04 Planting schedule	Stuart Noble	A	16.09.15
LDA-1451-05 Typical lobby landscape plan	Stuart Noble	A	16.09.15
LDA-1451-06 Sky park landscape plan	Stuart Noble	A	16.09.15
C0-01-DD – Site plan, civil works	Calibre	C	15.01.16
C0-02-DD – General notes	Calibre	A	22.12.15
C1-10-DD – Erosion & sediment control	Calibre	A	22.12.15
C1-15-DD – Erosion & sediment control notes & details	Calibre	A	22.12.15
C2-00-DD – General arrangement, Amalfi Drive	Calibre	C	22.12.15
C2-01 – General arrangement, Bennelong Parkway	Calibre	B	22.12.15
C3-00-DD – Pavement types Amalfi Drive	Calibre	A	22.12.15
C3-01-DD – Pavement types Bennelong Parkway	Calibre	A	22.12.15
C3-10 – Typical sections	Calibre	B	22.12.15
C3-20-DD – Amalfi Drive Road Longitudinal Section	Calibre	A	22.12.15
C3-80-DD – Civil works details	Calibre	A	22.12.15
C4-00-DD – Stormwater longitudinal section	Calibre	A	22.12.15
C4-20-DD – Stormwater Drainage Details	Calibre	A	22.12.15
C4-60-DD – Stormwater Drainage Catchment Plan 1 of 2	Calibre	A	22.12.15
C4-61-DD – Stormwater Drainage Catchment Plan 2 of 2	Calibre	A	22.12.15

Document	Prepared by	Revision	Date
SEPP 65 Design statement	Frank Stanisic	-	12.09.15

Landscape Maintenance specifications	Stuart Noble	-	19.08.15
Pedestrian Wind Environmental Statement W382-56AF02	WindTech	1	15.09.15
Solar Light Reflectivity Analysis report W382-56AF04	WindTech	0	26.08.15
Geotechnical Investigation report	Coffey	-	7.09.15
Ground water assessment GEOTLCOV25459AA-AC	Coffey	-	19.08.15
Phase 2 Detailed Environmental Assessment DL2906_0001-1	DLA Environmental Services	-	15.08.15
DL3662_S003289	DLA Environmental Services	-	19.08.15
Crime Risk Assessment & Security Plan	Sutherland & Associates	-	Sept 15
Transport Impact Assessment Ref 15-162-2	Thompson Stanbury Associates	-	Sept 15
Supplementary Traffic Modelling Assessment Statement	Thompson Stanbury Associates	-	18.11.15
Access Assessment report 106277-Accessr3	BCA Logic	3	31.08.15
BCA Assessment repot 106277-BCA-r2	BCA Logic	2	31.08.15
BASIX Certificate 652334M_02	BCA Energy Pty Ltd	-	29.04.16
Waste Management Plan	Elephants Foot	C	17.09.15
Acoustic report 20150970.1/0909A/R2/YK	Acoustic Logic	2	09.09.15

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

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

2. **Time period of consent**

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

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

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

3. ***Auburn DCP 2007 – Homebush Bay West***

The amounts payable will be adjusted in accordance with the index set out in the relevant Section 94 Development Contribution Plans. Payment ***must*** be made in accordance with Council resolution dated 19 May 2016 ***prior to the issue of <u>any Construction Certificate</u>***.

Failure to pay prior to Construction Certificate will result in Council taking action but not limited to Penalty Infringement Notice, Land and Environment Court Action and/or reporting the certifier to the Building Professionals Board.

A sum of **$1,010,427.36** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration

The above sum is broken down to the following items:

Item	**Amount**
Traffic Management	195951.43
Open Space – District Acquisition and Embellishment	480640.45
Community facilities	264892.84
Plan administration	68942.64
TOTAL	**1010427.36**

<u>Reason</u>:- to assist in the provision of amenities and services in the area.

4. **<u>Submission of Construction Certificate</u>**

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.

<u>Reason</u>:- 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.

5. **<u>Compliance with Submitted Acoustic Report</u>**

All noise control measures specified in the acoustic assessment report prepared by *Acoustic Logic (reference number 20150970.1/909A/R2/YK, revision 2) dated 9/09/15* 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.

<u>Reason</u>:- to protect the amenity of intended occupants and the surrounding land uses.

6. **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 criteria contain in the acoustic assessment report prepared by *Acoustic Logic (reference number 20150970.1/909A/R2/YK, revision 2) dated 9/09/15* have been achieved . Where the criteria are not meet the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

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

7. **Ventilation of the basement car park**

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2012; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

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

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

Reason:- to ensure appropriate ventilation of the car park and comply with the requirements of the Building Code of Australia.

8. **Storage Cages**

Lockable storage cages of at least $6m^3$ for 1 bedroom, $8m^3$ for 2 bedroom and $10m^3$ for 3 bedroom units are to be provided for all apartments within the car parking levels.

Details demonstrating compliance with the above requirement shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

Reason:- to ensure sufficient storage is provided to all apartments.

9. **Bicycle storage/parking**

Bicycle storage/parking spaces shall be provided within the Car Park levels as per the following:

- 88 bicycle spaces for residents;
- 19 bicycle spaces for visitors.

Total = 107 bicycle spaces

Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority **prior to the issue of any Construction Certificate**.

Reason:- to ensure compliance with the Residential Flat Design Code.

10. **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.

11. **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

12. **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.

13. **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.

14. **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.

15. **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

16. **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

17. **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.

18. **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.

19. **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.

20. **BASIX Requirements**

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

a) Relevant BASIX Certification means:-

   i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;

   ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

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

21. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state “Any

instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

22. **Demolition of Buildings**

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

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

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

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

~~23.~~ ~~**Water quality**~~

~~Stormwater generated from the development site including proposed road network shall be treated within the site prior to discharging to Council System/waterways. Details shall be submitted as part of civil works/infrastructure development application.~~

~~*Reason*:- to ensure the water quality of the runoff.~~

24. **Demolition - Lead Management Work Plan**

A Lead Management Work Plan shall be prepared in accordance with *AS2601-2001 Demolition of Structures* by a person with suitable expertise and experience and submitted to the PCA or Council for approval prior to the issuing of the Construction Certificate. The Lead Management Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-

a) AS 4361:1998 Guide to lead paint management;
b) Australian Standard AS 2601: 2001 Demolition of Structures;
c) Lead Safe A renovator's guide to the dangers of lead, NSW EPA, 1998 (booklet)

Reason:- to ensure suitable procedures are employed to manage demolition activities involving lead paint.

25. **Demolition – Lead Paint Disposal**

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

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

26. **Asbestos**

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

b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.

c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-

i) Work Health and Safety Act 2011*;*
i) *The* Work Health and Safety Regulation 2011*;*
ii) *Protection of the Environment Operations Act 1997*
iii) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
iv) *Waste Avoidance and Resource Recovery Act 2001.*
v) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
vi) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]* http://www.nohsc.gov.au *; and*
vii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

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

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

Council does not control or regulate the Worksafe Code of Practice and Guidance

Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

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

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

27. **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 existing fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings)*
c) 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)*
d) 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).
e) Method of protecting window/door openings as required by BCA Part 3.
f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

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

28. **Prior to the issue of the construction certificate**

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

a) Reinforced concrete strip footings.
b) Reinforced concrete raft slab.
c) Suspended reinforced concrete slabs.
d) Structural steelwork.
e) Structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".
f) Upper floor joist layout
g) Retaining walls.
h) Roof trusses.
i) Wall/roof bracing
j) The existing structure is to be certified as being structurally adequate to carry out the proposed additional loadings.
k) Other.

Reason:- to ensure the building or structure and its materials and components are capable of sustaining at an acceptable level of safety and serviceability.

29. **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.

30. **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.

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

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

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

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

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

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

32. **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.

33. **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.

34. **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.

35. **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 PCA. **Failure to do so may result in the issue of penalty infringement notices.**

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

36. **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.

37. **Prior to construction commencing**

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

a) Shoring/piling
b) Reinforced concrete strip footings.
c) Reinforced concrete raft slab.
d) Suspended reinforced concrete slabs.
e) Structural steelwork.
f) Structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".
g) Retaining walls.
h) Wall/roof bracing
i) Other.

Reason:- to ensure the building or structure and its materials and components are capable of sustaining at an acceptable level of safety and serviceability.

38. **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 suitably 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.

39. **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.

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

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

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

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

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.

41. **Survey Documentation**

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

a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.

b) 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.

c) Prior to construction of each floor level showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.

d) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

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

42. **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:- the ensure the safety of pedestrians when passing the site.

43. **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.

44. **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.

45. **Sediment Removal from Vehicle Wheels – Large sites**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the Soil and Water Management Plan, prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

Reason:- to ensure suitable controls are in place prior to any works commencing to prevent water pollution from occurring.

46. **Disposal of Site Water**

Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter.

Reason:- to prevent water pollution from occurring.

47. **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.

48. **Site compaction – work methodology**

Prior to the issue of a Construction Certificate, a work methodology prepared by an appropriately qualified geotechnical engineer shall be submitted to the Principal Certifying Authority for approval in respect of all site compaction works. The work methodology shall address the following:-

a) Predicted vibration emissions extending beyond the boundaries of the site generated from the construction works indicating compliance with the requirements of the NSW Environment Protection Authority's Noise Control Guidelines – Vibration in Buildings; and

b) Measures to minimise offensive noise emissions and vibrations to demonstrate compliance with the NSW Interim Construction Noise guidelines 2009 (DECCW).

Reason:- to ensure that carrying out of site compaction works is of minimal impact in the locality.

49. **Dial before you dig**

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

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

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

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

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

In accordance with the Site Audit Report for SAS231-Block E prepared by Environmental Strategies project number 14183. A Construction Environmental Management plan shall be implemented during construction and shall include a procedure for managing unexpected finds of contamination.

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.

51. **Monitoring of field parameters**

Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

Reason:- to ensure Council is informed as to monitoring of field parameters relevant to the remediation and/or construction works.

52. **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.

53. **Fill for residential premises**

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

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

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

54. **Parking Layout**

Prior to the issue of a Construction Certificate amended plan addressing following shall be submitted to and approved by the Principal Certifying Authority:

a) Width of the two-way access ramps shall be minimum 6.1m and width of the one-way access ramp shall be minimum 3.6m. Dimensions shall be annotated on the plans.
b) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the site enters into the basement. The crest shall be minimum 100mm above the adjacent top of kerb level. Detail cross sections shall be submitted.
c) It appears adequate sight distances have not been provided at the driveways. Adequate sight distance shall be provided at the vehicular entrances in accordance with Australian standard AS2890.1.
d) Minimum 2.2m headroom clearance shall be provided. Head room shall be measured perpendicular to the wheelbase as shown on the Figure 5.3 of AS 2890.1. Head room details shall be marked on the plan. Head room shall be measured perpendicular to the wheelbase as shown on the Figure 5.3 of Australian standard AS 2890.1.
e) Parking space dimensions and aisle widths shall be annotated on the plan. Width of the visitor parking space and employee parking space shall be minimum 2.6m and 2.4m respectively.

Reason:- to ensure parking layout comply with Australian standards AS2890.1 and AS2890.6.

55. **Dimensions of Car Parking Spaces**

The approved vehicle spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times.

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

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

56. **Car Parking Allocation within Development**

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

a) Minimum 273 Residential parking spaces
b) Minimum 35 Visitor parking spaces
c) Minimum 81 parking spaces for future stages

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

57. **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.

58. **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.

59. **Car Wash Bay**

An open service area measuring at least 7.6 metres x 3.0 metres is to be provided for use by residents for car cleaning and washing activities. 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.

60. **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.

61. **Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

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

62. **Minimum height clearance for carparking spaces and entry to basement carparks**

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.2 metres.

Reason:- to ensure vehicles and pedestrians can safely use the carparking facility and to comply with RTA Guidelines.

63. **Separation of Vehicular Entry/Exit**

Vehicular entrances and exits shall be separated physically and sign posted so they are clearly visible to motorists entering or leaving the site.

Reason:- to assist the safe movement of vehicles.

64. **Protective bar to vehicular entry**

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

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

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

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

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

66. **Basement parking – paint colours**

The lift cores in the basement parking levels shall be painted in a cream or white colour to maximise lux levels and promote a greater sense of security and amenity. Details of the proposed colour scheme shall be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason:- to promote a greater sense of security and amenity within the basement parking area.

67. **Internal Ramp**

The proposed driveway ramp shall be designed in accordance with the Australian Standards AS2890.1-2004. In this regard:-

- Grades and levels shown on the plans shall be amended to comply with AS2890.1-2004.
- Headroom clearance of 2200mm shall be ensured to comply with the Australian Standards.
- The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

Reason:- to ensure that the ramp complies with Australian Standards.

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

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

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

69. **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.

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

a) The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be line marked.

b) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2004 Off Street Parking Part 2 – Commercial Vehicle Facilities.

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

71. **Sight Distance and Driveway**

The driveway entry and basement ramp entry shall be design in accordance with AS 2890.1 2004. Prior to release of the Construction certificate, a compliance certificate from a practising civil/traffic engineer shall be submitted to Council. The above compliance certificate shall state that the Driveway design shall comply with section 3.2.4 of AS 2890.1 2004.

Reason:- to ensure the sight distance and to traffic and pedestrian comply with Australian Standards.

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

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.5m shall be provided in waste collection area, loading and unloading area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

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

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

73. **Ramp intersections**

The intersection of the basement aisle and access ramp shall be designed such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c). In this regard swept path analysis shall be submitted.

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

74. **Access Ramp gradients**

Access ramp grades shall comply with section 3.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along the inside and outside of curved 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 the access ramps comply with Australian Standard AS2890.1:2004.

75. **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.

76. **Maintenance Schedule**

Prior to the issue of an Occupation 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.

77. **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 are being constructed from solid masonry materials and not being lightweight construction.

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

78. **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.

79. **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.

80. **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.

81. **Basement appearance**

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

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

82. **Switchboards/Service Panels**

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

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

83. **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.

84. **Roofing Materials – Reflectivity**

Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall

undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the roofing material. The Certifying Authority shall provide certification with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.

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

85. **~~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.~~

86. **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.

87. **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.

88. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes shall be minimum 100mm above the adjacent top of kerb levels. These levels are to be incorporated in all drainage submissions and associated street frontage civil works plans related to the subject development required under this determination. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue any Construction Certificate.**

Reason:- to ensure the correct levels are used for the development.

89. **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.

90. **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.

91. **Works within Council controlled lands**

(1) For drainage works:

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

Inspections will be required:-

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

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

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

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

92. **Service relocation / Adjustment**

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

Reason:- to protect utility services.

93. **Creation of Drainage Easement**

Prior to issue of any construction certificate, drainage easement shall be created in favour of subject site over downstream site(s) through the properties in DP270320 for the proposed stormwater disposal. In this regard,

a) Council shall be nominated as the Authority to vary or modify the above easement(s).
b) Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information.
c) A copy of the registered documents of the drainage easement shall be submitted to

Council submitted and approved by **Council's Manager Development Assessment.**

Reason:- to ensure appropriate easement shall be created to drain the stormwater from the development.

94. **Civil Works Plan**

Prior to issue of relevant construction certificate, amended Civil Works plans addressing following shall be submitted to and approved by **Council's Manager Development Assessment.**

a) Footpath shall be separated from the parking bays and roadways by a 150mm high kerb.
b) Footpath surface levels shall match with the top of kerb levels.

Reason:- to minimise the conflict between the use of footpath and roadway/parking bays.

95. **Stormwater disposal**

Prior to issue of any construction certificate amended plan addressing following shall be submitted to and approved by **Council's Manager Development Assessment.**

a) Stormwater runoff from the manoeuvring area including Amalfi Drive 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.
b) Pipe within roads drainage system shall be reinforced concrete pipe and the minimum size of the pipe diameter shall be 375mm.
c) Stormwater plans shall clearly show the Block identification details.
d) Invert level shown on the plans do not relates to the level in the survey plans or civil work plans.
e) Annotation on the Hydraulic services drawings shall be provided in a readable scale.
f) Stormwater plan shall clearly show the stormwater disposal points from the development (roof areas and basement) to street drainage system.
g) Basement drainage system shall comply with Council's Stormwater DCP. Detail calculations shall be provided. Above ground and below ground storage volumes shall be provided.

Reason:- to prevent localised flooding.

96. **Stormwater drainage - general**

All stormwater runoff generated from the proposed development shall be directed to existing Street drainage system in Amalfi Drive.

Reason:- to prevent localised flooding.

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

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.
The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".In this regard,

i. The proposed stormwater system shall be generally in accordance with the plans approved as part of the deferred commencement conditions.
ii. Detail hydraulic grade line analysis shall be submitted in order to ensure proposed street drainage system is adequate to convey stormwater runoff from the proposed development.
iii. Stormwater runoff from roads, manoeuvring area including 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.
iv. All the pit dimensions shall comply with Table 1, Section 2.1 of Auburn Development Control Plans 2010 - Stormwater Drainage.

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.

98. **Drainage pipe size**

Proposed street drainage pipes shall be designed to cater for the 20 year ARI critical storm event with consideration that the site will be developed to 80 % impervious area. In this regard,

a) A designated emergency overland flow path shall be provided up to 100 year ARI storm event.
b) Reinforced concrete pipes shall be used for street drainage system.
c) Details shall be incorporated on the Stormwater drainage plans for Construction certificate approval.

Reason:- to prevent localised flooding.

99. **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.

100. **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.

101. **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.

b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.

c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.

d) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.

e) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.

f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.

g) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding**.**

102. **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.

103. **Stormwater treatment device**

Stormwater runoff from internal roads, open car park and maneuvering area including access ways will have to undergo some form of 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 Council's stormwater system. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** Copy of the approval shall be submitted to Council.

Reason:- to prevent water pollution from occurring.

104. **Footpath construction – Bennelong Parkway**

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

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

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

105. **Amalfi Drive Footpath Construction**

Amalfi Drive footpaths shall be constructed in accordance with approved civil works plans **prior to the issue of any Occupation Certificate.**

Reason:- to ensure access to public footpath is provided.

106. **Road and footpath construction.**

Road and footpath surrounding the development shall be constructed in accordance with Council approved plans **prior to the issue of any Occupation Certificate.**

Reason:- to ensure access to public road is provided.

107. **Road Construction**

Prior to the release of Occupancy Certificate, all road networks adjacent to the proposed development shall be constructed in accordance with the Council's standards and specifications.

In this regard:

- The proposed concept shall be in accordance with the approved plans.
- A detailed design shall be submitted to council for approval. Future traffic generation and traffic loadings shall be incorporated in the detailed design.
- The works shall include road pavement, kerb & Gutter, pedestrian footpath relief drainage and service conduits and necessary pram access.
- All associated cost shall be borne by the applicant.

Reason:- to ensure access to the proposed development.

108. **Access to Public Road**

Access to a public road shall be provided at each stage of the development **prior to the issue of any Occupation Certificate** for the relevant stage.

Reason:- to ensure access to public road is provided.

109. **Street Lighting – Internal Roads**

Prior to the issue of any Occupation Certificate or within 12 months of commencement of any works related to the subject development application whichever comes first, street lighting design for the proposed internal roads together with Energy Australia consent shall be submitted to Principal Certifying Authority. In this regard prior to obtaining consent from Energy Australia, all street lighting shall be designed in consultation with Council in accordance with AS 1158 "Road Lighting" and submitted to Council together with associated running cost, for Council approval. Prior to the lodgement of the street lighting design with Principal Certifying Authority, Council approval for the design shall be obtained. All associated cost shall be borne by the applicant.

Prior to the issue of any Occupation Certificate all the street lighting works shall be completed in accordance with the approved plan and written verification from suitably qualified person shall be obtained stating the works have been completed in accordance with approved plans. Copy of the written verification shall be submitted to Council.

Reason:- to ensure appropriate street lighting is provided in accordance with Australian standard AS1158.

110. **No Parking' signs**

No parking signs shall be installed, between the planter boxes, either side of the proposed truck access in Half Street. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Copy of the approval shall be submitted to Council.

Reason:- to ensure adequate space is available for the proposed truck manoeuvrings.

111. **Traffic Management Plan**

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.** In this regard, operational hours, traffic generation, expected duration of the project, traffic control plans and proposed routes shall be incorporated in the traffic management plan.

Reason: - to minimise the impact on street traffic.

112. **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.

113. **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.

114. **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.

115. **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.

116. **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.

117. **Arrangements for Electricity and Telephone Services**

Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate.

NOTE: Prior to works commencing, the applicant is advised to contact each provider to determine the location of various services to avoid damage occurring.

Reason:- to ensure these services are available to the site.

118. **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.

119. **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.

120. **Details on the Location of the Padmount Substation**

Details of the padmount substation for the development including its location, service access and landscaping are to be submitted to Council for approval prior to the issue of a construction certificate.

Reason:- to ensure a minimal impact for the proposed padmount substation.

121. **Mail Box Structure**

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

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

122. **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.

123. **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.

124. **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.

125. **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.

126. **Soil Depth to Landscaped Podiums**

All landscaped podium areas should maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.

Reason:- to ensure adequate soil depth to landscaped podium areas.

127. **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.

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

a) The operation of air conditioning units shall:

(i) not cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;
(ii) be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
(iii) not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

b) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

129. **Noise and Vibration**

The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions

should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

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

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

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

130. **Intruder Alarms**

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

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

131. **"B" Class Hoardings – Additional Conditions of Approval**

'B' Class overhead type hoardings and public access are required to be provided in accordance with the following requirements:

a) The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.
b) Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.
c) Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.
d) Adequate artificial lighting is to be provided to the hoarding.
e) A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.
f) A minimum overhead clearance of 2.2m is to be provided below the hoarding.

g) The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.

h) Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.

i) The hoarding is to be painted white or other light colour acceptable to Council.

j) Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.

k) The hoarding is to be erected and maintained fully in accordance with the requirements of WorkCover New South Wales.

l) Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.

m) A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation *(and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority)* certifying the structural adequacy of the hoarding and compliance with Councils conditions of consent and relevant requirements of WorkCover New South Wales.

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

132. **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.

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

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept

clean and clear of litter at all times.

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

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

134. **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.

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

135. **Graffiti and Vandalism Rectification**

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

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

136. **Cleaning of facade**

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

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

137. **Telecommunications Facilities - Residential**

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

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

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

138. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

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

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

139. **Lighting – external flood lights**

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

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

140. **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.

141. **Waste Management Plan – New works**

A Waste Management Plan shall be submitted to the PCA for. The plan must be submitted and approved prior to the issuing of the construction certificate.

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

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

Reason:- to ensure waste is properly managed.

142. **Waste Collection**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997*. Records shall be kept of all waste disposal from the site.

Reason:- to ensure waste is properly disposed of.

143. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the basement/at grade garbage storage area. 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.

144. **Contract for Waste Collection**

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

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

145. **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.

146. **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.

147. **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.

148. **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.

149. **SEPP 65 – Design Statement**

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 Schedule 1 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 Schedule 1 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.

150. **SOPA – Advisory conditions: Stormwater**

Any proposal to connect to existing stormwater infrastructure located on SOPA land must be either accompanied by:

a) correspondence from Council clearly confirming the infrastructure is owned, regulated and managed by Council under a formal agreement with SOPA or
b) must (either concurrently or subsequent with the DA) **seek separate approval from SOPA as the regulatory authority to connect.** The application must include detailed information about not only the physical connection but the calculated stormwater quality and flows including all modelling and assumptions.

151. **Ausgrid – Advisory conditions**

The applicant must make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development. (eg. whether a substation is required on site).

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- Changes in electrical load requirements
- Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- Works affecting Ausgrid's easements, leases and/ or right of ways
- Changing the gradients of any roads or paths
- Changing the level of roads or foot paths
- Widening or narrowing of roads
- Closing roads or laneways to vehicles
- In all cases Ausgrid is to have 24 hour access to all its assets

The developer is to ensure that the proposed works do not compromise Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

Ausgrid's Network Standards are available in our web site http://www.ausgrid.com.au/ under the caption Network Standards.