

CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-448/2015
 Property: 93 St Hilliers Road, AUBURN NSW 2144
 Description: Alterations & additions to the existing commercial & industrial buildings including part demolition & construction of a new commercial building to be used for hardware & building supplies, use existing 2 storey offices, erect six free standing pylon signs and undertake a two (2) lot Torrens Title subdivision.

The following “Deferred Commencement Conditions” are applied and must be satisfied before the consent can operate:-

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

1. Tree retention

An amended landscape plan shall be submitted to the Council for approval that incorporates the retention of the existing trees located along the eastern portion of the site adjacent to Percy Street.

Reason:- to maintain the amenity of the locality.

In accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 720 days sufficient enough for Council to be able to be satisfied of the above matters.

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

2. Approved Plans - Deferred Commencement

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Site Context / Site Analysis Plan Drawing Number TP-01	Michael Carr Architect Pty Ltd		10/20/2015
Existing and Demolition Site Survey Drawing Number TP-02	Michael Carr Architect Pty Ltd		10/20/2015
Site Overall Plan Drawing Number TP-03	Michael Carr Architect Pty Ltd		24/3/2016
Overall Plan Undercroft Level Drawing Number TP-04	Michael Carr Architect Pty Ltd		10/20/2015
Roof Plan Drawing Number TP-05	Michael Carr Architect Pty Ltd		10/20/2015

Elevations Drawing Number TP-06	Michael Carr Architect Pty Ltd		10/20/2015
Sections Drawing Number TP-07	Michael Carr Architect Pty Ltd		10/20/2015
Landscape Plan 2220 LP-01	John Lock and Associates Landscape Architecture	D	1/12/2015
Landscape Elevations 2220 LP-02	John Lock and Associates Landscape Architecture	D	1/12/2015
Landscape Details 2220 LP-03	John Lock and Associates Landscape Architecture	D	1/12/2015
Cover Sheet, Drawing Index, General Notes and Locality Sketch Drawing Number 01534- 100	C and M	01	25/11/2015
Site Layout Plan and Legend Drawing Number 01534- 110	C and M	02	24/2/2016
General Arrangement Plan Undercroft Sheet 1 Drawing Number 01534- 201	C and M	02	24/2/2016
General Arrangement Plan Undercroft - Sheet 2 Drawing Number 01534- 202	C and M	02	24/2/2016
General Arrangement Plan Warehouse Level - Sheet 1 Drawing Number 01534- 203	C and M	01	25/11/2015
General Arrangement Plan Warehouse Level - Sheet 2 Drawing Number 01534- 204	C and M	01	25/11/2015
General Arrangement Plan St Hilliers Intersection Drawing Number 01534- 205	C and M	02	26/2/2016
OSD Tank Plan and Details Drawing Number 01534- 501	C and M	02	24/2/2016
OSD Tank Sections Drawing Number 01534- 502	C and M	02	24/2/2016

Catchment Plan Drawing Number 01534-601	C and M	01	3/12/2015
Sediment and Erosion Control Plan and Details Drawing Number 01534-701	C and M	01	25/11/2015
Plan of subdivision of Lot 11 DP786590	Graham John Hall		25 February 2016
BCA Assessment Report Appendix No 1 Job Number 2015/2256	Steve Watson and Partners	1.0	19 November 2015
Arboricultural Assessment and Development Impact Report	Raintree Consulting Arboricultural Management		1 December 2015
Waste Management Plan	PGH Environmental Planning		23 November 2015

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

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

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

3. **Auburn DCP 2007 - Employment Generating Development**

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

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

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

A sum of \$270,000 is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Cumberland Council's LGA.

The above sum is broken down to the following items:

Item	Amount
Employment Generating Development	\$270,000
TOTAL	\$270,000

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

Reason:- to assist in the provision of additional services and public facilities that is

likely to generate from employment generating development with the Cumberland Council's LGA.

4. **Surrender of Development consent 268/2005 and 379/2013**

Prior to the issue of a construction certificate, Development Consent Number 268/2005 for tenancies 81 and 83 and Development Consent 379/2013 for tenancy 85 shall be surrendered in accordance with Section 104A(1) of the Environmental Planning and Assessment Act 1979 and associated Regulation.

Reason:- to avoid inconsistencies with the Bunnings development and the affected development consents.

5. **Surrender of Development consent 686/2002**

The use of Tenancy 79 is permitted for the **"Fitout of warehouse unit for the design, display, sale and manufacturing associated with bathroom accessories"** with associated provision of 55 car parking spaces. Upon vacation of Tenancy 79 by the current tenant in late 2017, Development Consent Number 686/2002 shall be surrendered in accordance with Section 104A(1) of the Environmental Planning and Assessment Act 1979 and associated Regulation.

Reason:- to avoid inconsistencies with the Bunnings development and the affected development consents.

6. **Approval of Subdivision Plan**

The final plan of subdivision will not be endorsed by Council unless the following is achieved:-

- a) Sufficient evidence is provided **to Council** showing **that there will be no building encroachments across the proposed lot boundary between Lots 1 and 2.**
- b) The submission of a Section 73 Certificate to Council for its records.

Reason:- to ensure the development proceeds in accordance with the approved plans.

7. **Creation of Right of way for proposed Lot 2**

The plan of subdivision submitted for Council certification shall include a right of way in favour of Proposed Lot 2 over the proposed Lot 1 to Council's satisfaction. In this regard:-

- Right of way and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information. A copy of the draft documents of the right of way/easement shall be submitted to and approved by Council.
- Cumberland Council shall be nominated as the Authority to vary or modify the easement.

Reason:- to ensure appropriate easement shall be created to facilitate the truck access.

8. **Creation of Right of way for proposed Lot 1**

The plan of subdivision submitted for Council certification shall include a right of way in favour of Proposed Lot 1 over the proposed Lot 2 to Council's satisfaction for truck access to facilitate the truck access to Unit 85. In this regard:-

- Right of way and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information. A copy of the draft documents of the right of way/easement shall be submitted to and approved by Council.
- Cumberland Council shall be nominated as the Authority to vary or modify the easement.

Reason:- to ensure appropriate easement shall be created to facilitate the truck access.

9. **Creation of drainage easement**

The plan of subdivision submitted for Council certification shall include a drainage easement in favour of Proposed Lot 2 over the proposed Lot 1 to Council's satisfaction. In this regard:-

- Drainage easement and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information. A copy of the **draft** documents of the right of way/easement shall be submitted to and approved by Council.
- Cumberland Council shall be nominated as the Authority to vary or modify the easement.

Reason:- to ensure required easements are created for storm water disposal.

10. **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.

11. **Submission of Construction Certificate**

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

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together

with payment of the Council's adopted registration fee; determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

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

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

12. **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.

13. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works (**excluding demolition**) work 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.

14. **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.

15. **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.

16. **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.

17. **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.

18. **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.

19. **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.

20. **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.

21. **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.

22. **No Advertising Approved**

No additional advertising structures or signs shall be erected, affixed, painted or displayed without prior Council consent **except as provided in this consent.**

Reason:- to prevent the proliferation of signs which will result in a degradation of the

visual quality of the area.

23. **Business and building identification signage**

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

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

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

24. **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 Cumberland City 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.

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

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

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*).
- c) A qualified structural engineer to inspect and certify the adequacy of the existing footings / slab for the new works associated with the Bunnings superstore.

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

26. **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.

27. **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.

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

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

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

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

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

ADVISORY NOTE

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

- a) *Prior to the commencement of Building Works, ensure erosion controls PCA*

- and the Builders signs are displayed and a temporary toilet is located on site.*
- b) The pier holes before they are filled with concrete.*
 - c) The foundation material prior to covering.*
 - d) The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).*
 - e) The dampcourse level, ant capping and floor timbers before the floor materials are laid.*
 - f) The framework including roof members when completed and prior to the fixing of any internal sheets.*
 - g) Prior to covering waterproofing in any wet area.*
 - h) Fire resisting construction before concealment.*
 - i) Upper floor beams and joists before the fixing of any flooring material.*
 - j) The rainwater drainage lines within the property boundaries when completed and before covering.*
 - k) Final inspection.*

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

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

29. 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.

30. 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.

31. 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.

32. **Survey Report**

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

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

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

33. **Fencing of Construction Sites - Rental details to be provided to the PCA**

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

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

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month - minimum 3 months) BEFORE the fence/hoarding is erected.**
- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A Hoardings.**

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

34. **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 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.
- b) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- 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.

35. **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.

36. **Engineering Design - Basement Excavation**

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

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.

- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.

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

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

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

37. **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.

38. **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.

39. **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.

40. **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.

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

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

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

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

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

42. **Demolition of buildings**

The buildings 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.

43. **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.

44. **Demolition - common sewerage system**

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

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

45. **Demolisher Details**

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
 - i) Written notice, indicating the date when demolition of the building is to commence.
 - ii) The demolisher's full name and address.
 - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 - 2001 "*Demolition of Structures*"; and,
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works.

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

46. **Demolition Works - noise and vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec

- peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
 - c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

47. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
 - i) Work Health and Safety Act 2011;
 - ii) *The Work Health and Safety Regulation 2011*;
 - iii) *Protection of the Environment Operations Act 1997*
 - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
 - v) *Waste Avoidance and Resource Recovery Act 2001*.
 - vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)]*;
 - vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]* <http://www.nohsc.gov.au> ; and
 - viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors*.

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

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

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

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

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

48. **Services to be capped**

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

Reason:- to ensure all services are capped adequately.

49. **Site to be kept in a clean condition**

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

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

50. **Neighbour 24 notification of commencement of demolition**

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

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. **Hours of operation**

The hours of operation of the development are limited to the following:-

- 6 am to 10 pm Monday to Friday.
- 6 am to 7 pm on Saturday and Sunday and public holidays.

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

54. **Use of building not to commence until Occupation Certificate issued**

The use of the premises is not to commence until **an Occupation Certificate is issued**.

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

55. **Display of goods not permitted outside building or property**

Materials, goods, plant, equipment, signage, advertising structures or the like are not to be stored, placed or displayed anywhere outside the building or property without Council approval.

Reason:- to avoid visual intrusion into areas adjoining the site.

56. **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.

57. **Graffiti and Vandalism Rectification**

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

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

58. **Area of Office**

The area of the approved office use in proposed Lot 1 shall not exceed that shown on the approved plans **and its occupants shall have exclusive access to a minimum of 76 car spaces dedicated to the occupants of that office space**.

Reason:- to ensure the area of office space within the premises does not exceed that indicated on the approved plans.

59. **Sublease of premises**

Future subleasing or changes of use of any part of the approved development shall be subject to any relevant requirement for development consent prior to that use commencing.

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

60. **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.

61. **CCTV Camera System**

The Management shall install CCTV surveillance cameras for Lot 1 (Bunnings) in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

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

Details shall be shown in the construction certificate for approval by Council or the Accredited Certifier.

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

62. **Signage concerning security measures**

Warning signs shall be strategically posted around the perimeter of the property being Lot 1 (Bunnings) especially near entry points to warn intruders of the security measures within the building.

Details shall be shown in the construction certificate for approval by Council or the Accredited Certifier.

Reason:- to ensure adequate warning is provided to customers concerning security measures provided to the building.

63. **Internal alarm system and hold up alarms**

The Management shall install an internal alarm system within the building being Lot 1 (Bunnings). An alarm with motion detectors, reed switches and siren may be considered.

A duress alarm may also be considered at the front counter of the shop or within the

managers office.

Details shall be shown in the construction certificate for approval by Council or the Accredited Certifier.

Reason:- to ensure adequate security for the Bunnings superstore warehouse floor area.

64. **Amended plans**

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

- Headroom clearances at the basement access ramps shall be marked on the plan in order to ensure headroom clearances comply with Australian Standard AS2890.1 and AS2890.2.
- Exit laneway widths along the curve ramp are not adequate. Curved ramp width shall comply with Table 2.2 of the Australian Standard AS 2890.1.
- A separator median shall be provided on two-way curved ramps as outer ramp kerb is less than 15.0m in accordance with Australian standard AS2890.1 requirements.
- Gate/ fence that conflicts with the Heavy rigid vehicle manoeuvring for Unit 85 shall be removed.

Reason:- to ensure access ramps and headroom comply with Australian standards AS2890.1, AS2890.2 and AS2890.6.

65. **Trees Planting**

The Lagerstroemia Indica "Tonto" tree species as shown on the approved landscape plans Drawing Number 2220LP-01 (Issue D) prepared by John Lock and Associates and dated 1/12/2015 shall be replaced with Lagerstroemia Indica "Natchez" species that grow 5 to 8 metres high **except as modified by the deferred commencement condition associated with this condition.**

The pot sizes and location of the Lagerstroemia species as shown on the approved landscape plan shall not be altered.

Reason:- to ensure appropriate planting is provided for the Bunnings development.

66. **Tree Protection - significant trees**

- a) All remaining trees on site shall be protected. In this regard, a Tree Protection Zone (TPZ) shall be established around all trees, including street trees, which are to be retained in accordance with the approved plans. The TPZ shall extend to a radius that is 10 times the diameter of the trunk of each tree. The measurement of the trunk shall be taken 1.5m from ground level.

The area shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing, this must include the name and contact details of the site

arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details. Unless an area is already covered by a hard surface, the area enclosed by the TPZ is to be kept weed/ grass free and be mulched to a depth of 100mm with an approved mulch.

- b) All activities not related to tree maintenance are not to be conducted within the TPZ. The area is not to be used for the storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking. Original soil levels within the TPZ shall not be changed, except where Council approval has been granted for cut or fill within a TPZ, and in this case the work shall be supervised by the appointed Site Arborist.

Refuelling and/ or the maintenance of machinery and equipment is not permitted within 10 metres of any TPZ. The washing down of machinery, chemical, concrete or cement handling equipment or the storage of chemicals is not permitted within 10 metres of any TPZ.

Placement of any underground services shall not take place within any TPZ. Where this is not possible, tunnelling or boring shall be used. Where tunnelling or boring is not possible, all excavation shall be carried out by hand. Any works within the TPZ shall be supervised by the appointed site arborist.

All approved works to trees must be carried out by a suitably qualified arborist and in accordance with Australian Standard 4373-1996 "*Pruning of Amenity Trees*".

Roots with a diameter of 40mm or larger encountered during excavation works outside the TPZ shall be cleanly cut in accordance with accepted arboriculture practices.

Reason:- to ensure protection of existing street trees and trees on the site.

67. **Reinstatement of footpath and footpath crossing**

Where damage has occurred due to construction activities or where vehicle crossings are made redundant, the footpath and footpath crossings 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.

68. **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.

69. **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.

70. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

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

71. **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.

72. **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.

73. **Structural Engineering Certificate**

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. **The certificate shall be submitted to Council with the works-as-executed plan.**

Reason:- to ensure the construction is structurally adequate.

74. Water Reuse

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area **and any nursery within the 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.

75. 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 stormwater concept plans Drawing Number 01534-100 and dated 25/11/2015, 01534-110 and dated 24/2/2016, 01534-201 and dated 24/2/2016, 01534-202 and dated 24/2/2016, 01534-203 and dated 25/11/2015, 01534-204 and dated 25/11/2015, 01534-205 and dated 26/2/2016, 01534-501 and dated 24/2/2016, 01534-502 and dated 24/2/2016, 01534-601 and dated 3/12/2015 and 01534-701 and dated 25/11/2015 and prepared by C and M.*
- i. *All access grates to the detention facility shall be double (2/900x450) hinged grates.*
- ii. *Overflow system from the rainwater tank shall be modified in order to prevent overflow from OSD system enter in to the rainwater tank.*
- iii. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- iv. Stormwater runoff from the 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.

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

Reason:- to ensure the stormwater is suitably discharged.

76. Stormwater disposal - on-site detention

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with “**Auburn** Council’s Development Control Plans **2010** - Stormwater Drainage”. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land and Property Information Office. Evidence confirming the positive covenant has been **lodged with the Land and Property Information Office** shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

Note:

1. Positive covenant wording shall be obtained from Council prior to lodgement.
2. Work as executed plan shall be accompanied by relevant checklists.

Reason:- to prevent localised flooding by ensuring the detention system is maintained as designed.

77. Maintenance schedule - OSD

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason:- to ensure the onsite detention facility is in good working order.

78. Annual maintenance inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner.

Reason:- to ensure the onsite detention facility is in good working order.

79. 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.

80. **Basement drainage system**

Basement drainage is to comply with the “**Auburn** Council development control plans 2010 stormwater drainage”. In this regard:

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

Reason:- to prevent localised flooding.

81. **Footpath Construction - St Hilliers Road and Percy Street**

Where damage by construction activities or required due to the approved vehicle crossings, the footpath adjoining St Hilliers Road and Percy 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 carrying out of footpath works in the road reserve.**

- The details of construction requirements shall be requested from the Council prior to commencement of construction **of the relevant sections of footpath**.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- **Reconstructed** footpath shall be 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 Cumberland Council requirements.

82. **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.

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

83. **Stormwater disposal**

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

Reason:- to prevent localised flooding.

84. **Works within Council controlled lands**

For drainage works:

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

Inspections will be required:-

- i) After the excavation of pipeline trenches.
- i) After the laying of all pipes prior to backfilling.
- ii) After the completion of all pits and connection points.
- (2) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
- (3) Work is not to proceed until the works are inspected and approved by Council.

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

85. **Footpath Construction - Parramatta Road**

The footpath adjoining the site shall be reconstructed in accordance with the Cumberland Councils Parramatta Road footpath paving 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.
- The existing nature strip shall be re graded to design level.
- The proposed footpath shall be 300mm away from the boundary line.
- The nature strip shall be turfed.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath 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 Cumberland Council requirements.

86. **Traffic Management**

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

Reason:- to minimise the impact on street traffic.

87. **Ramp gradients**

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

Copy of the approved plan shall be submitted to Council.

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

88. **Limit of the delivery trucks**

Vehicles making deliveries to Unit 85 shall be limited Heavy rigid vehicle (HRV) that is defined in Australian standard AS2890.2.

Reason:- to ensure delivery trucks use approved loading area.

89. **Footpath /Nature strip maintenance during and after construction**

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council's satisfaction.

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

90. **Flood Risk Management Plan**

A flood risk management plan shall be prepared by a suitably qualified person in conjunction with Councils floodplain management plan. The flood risk management plan shall be in force at all time.

Reason:- to minimise the flood risk to person and property.

91. **Service relocation / Adjustment**

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

All the costs shall be borne by the applicant.

Reason:- to protect utility services.

92. **Number of Car Parking Spaces**

A total of 482 off-street car parking spaces are to be provided to the **proposed Lot 1** development. Of this figure, **415 shall be provided for the retail component of the development**. The 67 spaces situated underneath the offices are to be made available for the staff who work within the Bunnings office facing Parramatta Road. The spaces marked for such parking shall not be used by customers shopping within the Bunnings Superstore.

Appropriate markings and signposting shall be established to delineate such parking with details shown on the construction certificate plans for approval by Council or the Accredited Certifier.

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

Reason:- to ensure there is sufficient car parking for the development.

93. **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 proposed Lot 2.

In this regard, the total number of spaces being 107 shall be allocated to each tenancy as follows:

- a) Unit 79 requires (27) spaces.
- b) Unit 81 requires (26) spaces.
- c) Unit 83 requires (21) spaces.
- d) Unit 85 requires (33) spaces.

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

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

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

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

95. **Vehicles 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.

96. **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, landscaped areas or from within the Percy Street road carriageway.

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

97. **Driveway surface treatment**

Driveway surface treatments must finish at the property boundary.

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

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

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

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

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

99. **Storage of Dangerous Goods**

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act, 1975, shall be submitted to the WorkCover Authority in accordance with their requirements.

Reason:- to comply with WorkCover Authority requirements.

100. **Amenity**

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

Reason:- to protect the amenity of the locality.

101. **Odour**

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

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

102. **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.

103. **Light Overspill**

Signage shall not be illuminated beyond the approved operating hours of the premises.

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.

104. **Acoustic Certification**

Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by Wilkinson Murray, report number 15377 version A. Where the criteria are not met the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- to ensure the premises is compliant with the acoustic report.

105. **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 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

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

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

Reason:- to ensure the car park is adequately ventilated.

106. **Food Premises Fitout - Compliance with Standards**

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

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

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

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

- a) No alterations to the shop or any fittings therein (including the installation of new items of equipment) are to be made without the prior approval of the Principal Certifying Authority.

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- b) Areas intended to be used for storing & preparing food or for storing food packaging & equipment shall be physically separated from chemical storage areas, living & sleeping areas, toilets & change rooms, garbage & recycling facilities and all other activities likely to pose a risk of food contamination.
 - c) Adequate space shall be provided on the premises for the storage of dry goods, fresh fruit & vegetables, returned food, recalled food, packaging material and utensils & equipment.
 - e) All windows, doors, entrances/exits and serving latches shall be protected against the entry of pests.
 - f) Where doors and windows need to be pest proofed against flying insects only, they may be protected by:-
 - i) Air curtains that effectively prevent insects entering the premises; or
 - ii) Being fitted with plastic strip curtains that effectively exclude flying insects; or
 - iii) Opening into vestibules with self-closing doors; or
 - iv) Fitting the bottom edge of doors or bottom sash of windows (where practicable) with a seal; or
 - v) Provide a fly zapper that is to remain on during business operating hours.
 - g) Insect control devices shall be installed so that the devices are **not** located directly over food preparation working areas, exposed food, clean equipment and/or unwrapped packaging material.
 - h) All service pipes, drains, cables and duct penetrations shall be effectively sealed to prevent entry of pests.
 - i) All service pipes conducts and electrical wiring shall either be concealed in the floor, plinths, walls & ceiling or fixed on brackets to provide a clearance at least 25mm and 100mm from the adjacent vertical and horizontal surface respectively.
 - j) Spaces between adjoining structures, such a between coolroom / freezer walls and premises walls and the external roof, shall be accessible for inspection and cleaning or sealed with a suitable compound to prevent the entry of pests.
 - k) The applicant shall refer to Sydney Water for trade waste requirements **prior** to the business use commencing.
 - l) Grease arrestors shall not be located in areas where food, equipment or packaging materials are handled or stored.
 - m) In areas where open food is handled or stored, light fittings shall be provided with fitted light diffusers to prevent contamination of food should the globe or tube shatter and allow easy access for cleaning.
 - n) Floors in the food premises shall be finished with a surface that complies with Table 3.1 of AS 4674.2004.
 - o) Floors in the food preparation areas shall be graded and drained to a floor waste connected to the sewerage system.
 - p) The intersection of floors with walls shall be coved in accordance with diagrams

3.1 and 3.2 of AS 4674.2004.

- q) The plinths shall be of solid construction and not less than 75mm high with an impervious finish and consistent with the floor surface in table 3.1 of AS 4674 including coving.
- r) Walls in the food premises shall be of solid construction and finished with a material in accordance with Table 3.2 of AS 4674-2004.
- s) Wall surfaces shall provide a smooth even finish, free of buckles, ledges, fixing screws, picture rails, open joints, cracks & crevices.
- t) Ceilings in the food premises shall consist of a non perforated material and finished free of open joints, cracks & crevices.
- u) The intersections of walls and ceilings shall be tight jointed, sealed and dust proof.
- v) Ceilings in other areas shall be installed in accordance with the requirements of Table 3.3 of AS 4674-2004.
- w) Drop-in removable ceiling panels shall **not** be used in food preparation areas or where open food is being displayed or stored.
- x) The food premises shall be provided with a single bowl sink with supply of hot water at a temperature of not less than 45°C for washing operations only where pre-packed food, drink and uncut fruit & vegetables are being sold.
- y) The food premises shall be provided with a double bowl sink with a supply of hot and cold water through a common mixing spout. Hot water shall be provided at a temperature of at least 45°C for washing operations.
- z) All fixtures, fittings and equipment in the food premises shall be designed in accordance the requirements of Table 4.3 of AS 4674.
- aa) Fixtures, fittings and equipment shall comply with one of the following options:-
 - a) movable for cleaning;
 - a) built into walls with the enclosure completely vermin proofed;
 - b) butted against walls or other equipment and the joints sealed;
 - c) installed with clearance distances compliant with Figure 4.4 of AS 4674.2004; or
 - d) if installed on a plinth, installed such that it overhangs the plinths.
- bb) All equipment used for display or storage of hot foods must be capable of maintaining such food at a temperature of not less than 60°C, and being fitted with an approved thermometer able to read easily from the outside of the appliance for the purpose of measuring this temperature.
- cc) All equipment used for display or storage of cold foods must be capable of maintaining such food at a temperature below 5°C. Frozen foods must remain in a frozen state. The coolroom and freezer must be fitted with an approved thermometer able to be read easily from the outside of the appliance for the purpose of measuring this temperature.
- dd) Hand wash basins shall be provided adjacent to each toilet, with taps that

- operate hands free. The hand wash basin shall be provided with a permanent supply of warm water delivered through a single outlet.
- ee) Hand wash basins shall be provided at a distance of no greater than five metres from a food preparation area where open food is handled. Hand wash basins shall be provided with taps that operate hands free and be provided with a permanent supply of warm water delivered through a single outlet.
 - ff) A sufficient supply of liquid soap and disposable hand towels shall be provided at the hand wash basin.
 - gg) A separate area shall be provided for the storage of employees clothing, cleaning material and equipment.
 - hh) Toilet facilities shall be in accordance with the BCA and shall be separated from areas where open food is handled, displayed & stored or provided with self-closing doors and a mechanical exhaust system that operates when the sanitary compartment is in use.
 - ii) Access to toilet areas shall not be provided through areas (other than the dining area) where open food is handled, displayed or stored.
 - jj) All waste material shall be stored in containers with tight fitting lids at all times.
 - kk) No food whether covered or uncovered shall be stored outside of the external building facade.

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

108. **Foodshop notification and inspection**

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

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

109. **Compliance with the submitted Arboricultural assessment report**

The conclusions and recommendations specified in the Arboricultural assessment report at Part 3 on Page 9 and 10 prepared by Raintree Consulting Arboricultural Management shall be complied with during the construction phase of the project.

Reason:- to ensure the recommendations made for protecting trees are complied with.

110. Noise and Vibration

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

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

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

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

111. 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.

112. Trade waste containers to be stored within the building

An adequate area is to be set aside within the building for the storage of trade waste containers. Such space is to be reserved at all times for the storage of trade waste containers. The containers shall not obstruct or interfere with the use of loading and parking facilities and access ways.

Reason:- to ensure the trade waste containers are stored within the building to prevent vandalism, arson and possible pollution to the external environment.

113. 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.

114. **Rainwater tanks**

Rainwater tanks shall comply with the following:-

- a) A 50,000 litre rainwater tank should be provided in accordance with the approved plans and/or BASIX requirements and the following Australian Standards:
- b) AS/NZ 2179-1994 "Specifications for Rainwater Goods, Accessories and Fasteners"; and
- c) AS 2180-1986 "Metal Rainwater Goods - Selection and Installation".
- d) Overflow from the tank must be connected to the stormwater system.
- e) The tank is to be constructed, treated or finished in a non reflective material that blends in with the overall tones and colours of the building.

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

115. **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.

116. **Sydney Water Approval**

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap" in system by the Sydney Water Authority.

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

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

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

117. **Mail Box Structure**

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

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

118. **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 Council **prior to the issue of the subdivision certificate.**

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

119. **Submission of Plan of Subdivision with subdivision certificate application**

The subdivision certificate application is to be supported by the submission of an original plan of subdivision together with seven (7) copies to be submitted to Council.

Note: A Subdivision Certificate fee is payable to Council on lodgement of the plans and an inspection fee may be required before collection of the final signed plan of subdivision.

Reason:- to ensure an application is made for a subdivision certificate.

120. **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.

121. 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.

122. 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.

123. **Conditions required by the Roads and Maritime Services**

a) **Proposed traffic signals**

The proposed traffic signals at the intersection of Simpson Street / St Hilliers Road shall be designed to meet Roads and Maritime requirements. The traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (Available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a construction certificate by the Principle Certifying Authority or Council and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the above mentioned works. The WAD is required to be executed prior to Roads and Maritime assessment of the detailed civil design plans. A copy of the WADPACK is available on www.rms.nsw.gov.au

b) **Land Dedication**

The proponent shall dedicate 15 metres of land as road to the Roads and Maritime Services within the site at the signals for maintenance purposes.

c) **Proposed deceleration land**

The proposed deceleration lane into the site on St Hilliers Road shall be in accordance with the Roads and Maritime Services requirements and Australian Standards.

d) **Redundant driveways**

The redundant driveways on St Hilliers Road shall be removed and replaced with kerb and gutter to match the existing kerb and gutter. The design and construction of the kerb and gutter on St Hilliers Road shall be in accordance with the Roads and Maritime Services requirements. Details of the requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery Parramatta (Telephone 8849 2138).

Detailed design of plans showing the proposed kerb and gutter are to be submitted to Roads and Maritime Services for approval prior to the issue of a construction certificate and commencement of any road works.

A plan checking fee (Amount to be advised) and lodgement of a performance bond

may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime Services.

e) **Site excavation and submission of plans to Roads and Maritime Services**

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to the Roads and Maritime Services for assessment in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to the commencement of construction and shall meet the full cost of the assessment by Roads and Maritime Services.

The report and any enquiries shall be forwarded to:

Project Engineer External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973
PARRAMATTA CBD 2124

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is / are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice shall include complete details of the work.

f) **Stormwater drainage**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system shall be submitted to the Roads and Maritime Services for approval prior to the commencement of any works. Details shall be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973
PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime Services approval is issued. The Roads and Maritime Services Project Engineer for External Works shall be contacted on Telephone 8849 2114 / Fax 8849 2766 regarding all civil works requirements.

g) **Demolition and construction vehicles**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on St Hilliers Road and Parramatta Road.

h) **Road occupancy license**

A Road Occupancy Licence shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on St Hilliers Road and

Paramatta Road during construction activities.

i) **Position of buildings and improvements**

All buildings and structures together with any improvements integral to the future use of the site are to be contained wholly within the freehold property unlimited in height or depth along the Parramatta Road and St Hilliers Road boundary.

Reason:- to confirm the concurrence to be granted by Roads and Maritime Services.

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

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

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

125. **Exit Doors Installed in the Path of Travel**

A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

Reason:- to ensure people can exit the building at all times and to comply with the requirements of D2.21 of the BCA.

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

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

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

127. **Portable fire extinguishers**

Portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS2444.

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