

“Appendix 1” to Section 79C Assessment Report - DA/728/2016

DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/728/2016
Property Address: Lot 18 DP 270113
6-8 Baywater Drive, WENTWORTH POINT
NSW 2127

General Matters

Approved plans and supporting documentation

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

<i>Plan Number</i>	<i>Prepared By</i>	<i>Rev No.</i>	<i>Dated</i>
DRWG No. 100	TIER Architects	C	21/11/2016
DRWG No. 101	TIER Architects	C	21/11/2016
DRWG No. 102	TIER Architects	C	21/11/2016
DRWG No. 103	TIER Architects	C	21/11/2016
DRWG No. 200	TIER Architects	C	21/11/2016
DRWG No. 201	TIER Architects	C	21/11/2016
DRWG No. 202	TIER Architects	C	21/11/2016
DRWG No. 203	TIER Architects	C	21/11/2016
DRWG No. 204	TIER Architects	C	21/11/2016
DRWG No. 205	TIER Architects	C	21/11/2016
DRWG No. 206	TIER Architects	C	21/11/2016
DRWG No. 207	TIER Architects	C	21/11/2016
DRWG No. 208	TIER Architects	C	21/11/2016
DRWG No. 209	TIER Architects	C	21/11/2016
DRWG No. 210	TIER Architects	C	21/11/2016
DRWG No. 211	TIER Architects	C	21/11/2016
DRWG No. 212	TIER Architects	C	21/11/2016
DRWG No. 213	TIER Architects	C	21/11/2016
DRWG No. 214	TIER Architects	C	21/11/2016
DRWG No. 215	TIER Architects	C	21/11/2016
DRWG No. 216	TIER Architects	C	21/11/2016
DRWG No. 217	TIER Architects	C	21/11/2016
DRWG No. 218	TIER Architects	C	21/11/2016
DRWG No. 300	TIER Architects	C	21/11/2016

DRWG No. 301	TIER Architects	C	21/11/2016
DRWG No. 302	TIER Architects	C	21/11/2016
DRWG No. 303	TIER Architects	C	21/11/2016
DRWG No. 304	TIER Architects	C	21/11/2016
DRWG No. 305	TIER Architects	C	21/11/2016
DRWG No. 401	TIER Architects	C	21/11/2016
DRWG No. 402	TIER Architects	C	21/11/2016
DRWG No. 403	TIER Architects	C	21/11/2016
DRWG No. 404	TIER Architects	C	21/11/2016
DRWG No. 405	TIER Architects	C	21/11/2016
DRWG No. 500	TIER Architects	C	21/11/2016
DRWG No. 600	TIER Architects	C	21/11/2016
DRWG No. 801	TIER Architects	C	21/11/2016
DRWG No. 804	TIER Architects	C	21/11/2016
DRWG No. 805	TIER Architects	C	21/11/2016
DRWG No. 807	TIER Architects	C	21/11/2016
DRWG No. 809	TIER Architects	C	21/11/2016
DRWG No. 900	TIER Architects	C	21/11/2016
DRWG No. DA-L101	Canvas Landscape Architects	A	15/12/2015
DRWG No. DA-L102	Canvas Landscape Architects	A	15/12/2015
DRWG No. DA-L103	Canvas Landscape Architects	A	15/12/2015
DRWG No. DA-L104	Canvas Landscape Architects	A	15/12/2015
DRWG No. 60123 T	Lean Lackenby & Hayward	A	10/08/2016
DRWG No. 60123 P	Lean Lackenby & Hayward	A	10/08/2016
DRWG No. 60123 LS	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 CS TYP	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 KR1	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 KR2	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 KR3	Lean Lackenby & Hayward	A	November 2015
DRWG No. 60123 DLS	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 HYD	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 LM	Lean Lackenby & Hayward	-	November 2015

DRWG No. 60123 SW	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 DET BASIN	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 DET SW	Lean Lackenby & Hayward	-	November 2015
DRWG No. 60123 TURN	Lean Lackenby & Hayward	-	November 2015
DRWG No. 15MB6647/D011	United	A	30/11/2015
DRWG No. 15MB6647/D02	United	B	07/07/2016
DRWG No. 15MB6647/D03	United	B	07/07/2016
DRWG No. 15MB6647/D04	United	A	30/11/2015
Subdivision Plan	David Burton	-	September 2015
Stage 1 Preliminary Contamination Assessment	Environmental Earth Sciences	-	8 October 2015
Remediation Action Plan	Environmental Earth Sciences	V1	June 2016
Wind Assessment	CPP	-	28/09/2015
Acoustic Report	Acoustic Logic	1	16/09/2015
Transport Impact Assessment	Thompson Stanbury Associates	-	December 2015
Access Compliance Report	Vista Access Architects	A	11/10/2015
BASIX Certificate (Certificate No. 670932M)	Outsource Ideas P/L	-	5 December 2015

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

Building work in compliance with BCA

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

Construction Certificate

3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

No encroachment on Council and/or Adjoining property

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

Demolition of Buildings

5. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos

cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.

- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 5 days of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with

AS2601-2001 – Demolition of Structures.

- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- (q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (r) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

Tree Protection - Excavation

- 6. To minimise disturbance to nearby street and reserve trees, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)*, but only by hand under the supervision of an experienced Arborist. In the event that major structural of feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, the consulting Arborist is to implement appropriate measures to ensure the long term retention of the tree. (Note: Council's Tree Management Officers maybe contacted for advice regarding appropriate tree protection measures).
 - critical root zone = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).
 - primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

Tree Protection - General

- 7. No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

Commonwealth Disability Discrimination Act

- 8. 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.

Light Overspill

9. 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.

Acoustic Certification

10. Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic assessment report prepared by Acoustic Logic, (reference number 20150891.1, dated 16 September 2015). 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 protect the amenity of intended occupants and the surrounding land uses

No alteration without prior Council approval

11. 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.

Stormwater disposal

12. All stormwater runoff generated from the proposed development shall be directed to the existing street drainage system.

Reason: To prevent localised flooding.

SOPA – Advisory conditions: Stormwater

13. Any proposal to connect to existing stormwater infrastructure located on SOPA land must be either accompanied by:
- correspondence from Council clearly confirming the infrastructure is owned, regulated and managed by Council/relevant party under a formal agreement with SOPA or
 - must (either concurrently or subsequent with the DA) seek separate approval from SOPA as the regulatory authority to connect. The application must include detailed information about not only the

physical connection but the calculated stormwater quality and flows including all modeling and assumptions.

Reason: To prevent localised flooding.

Remediation and Validation

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

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

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

In circumstances where the SAS conditions (if applicable) are not

consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

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

Soil and Water Management – Stockpiles

15. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

Prior to the issue of a Construction Certificate

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

Home Warranty Insurance for \$20,000 over

16. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that

Part.

Reason: To comply with the Home Building Act 1989.

Long Service Levy payment for Constr. over \$25,000

17. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

Building work in compliance with BCA

18. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

Acid-sulphate soils management strategy

19. If the detailed design of the proposal requires excavation below the slab level of the existing warehouse on the site, an acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) must be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and must include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy must address the following aspects:

- (a) Specific mitigating measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- (b) Management and disposal of the excavated material;
- (c) Measures taken to neutralise the acidity; and
- (d) Run-off control measures.
- (e) The recommendations of the strategy must be completed prior to the commencement of building works.

Reason: To protect the development from the harmful effects of acid-sulphate soils.

Infrastructure Fee

20. 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.

S94 Contribution

21. Development Contributions are payable in accordance with 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.

A sum of **\$1,525,182.27** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration and employment generating development.

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 Construction Certificate.

The above sum is broken down to the following items:

Contribution Type	Amount
Traffic Management	\$ 298,007.01
Open Space - District Acquisition and Embellish.	\$ 719,469.49
Community Facilities	\$ 402,839.26
Plan Administration	\$ 104,866.51
Total	\$ 1,525,182.27

Reason: To provide traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration and employment generating development.

Corridor Design

22. No units will be provided with individual access directly to the car park. Each unit will have a main entrance which opens to a corridor connecting to common circulation. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Council.

Reason: To protect the acoustic amenity, security and air quality of apartments.

No external service ducts for multi-unit development

23. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the quality built form of the development.

Single master TV antenna

24. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

SEPP 65 verification

25. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

Construction Noise Management Plan

26. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

Adaptable Dwellings for Residential Flat Buildings

27. The development must incorporate ninety (90) adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriate

designed.

Maintenance and repair of Sea Wall/Promenade

28. Prior to the issue of a Construction Certificate, an investigation as to the current state of the existing pedestrian promenade and associated sea wall is to be undertaken. If any repair or maintenance works are required, these works are to be undertaken prior to any construction activities to the satisfaction of Council.

Additionally, any dilapidation report prepared in conjunction with the subject development, should take into consideration the state of the sea wall and any associated damage that demolition and construction phases may have on its structural integrity.

Note: All formal pedestrian promenade works are to form part of “Block B” and are to be designed in accordance with the Homebush Bay West Public Domain Manual.

Reason: To ensure pedestrian access is maintained and that the sea wall is structurally secure.

Civil Works Plan

29. Prior to issue of any construction certificate, an amended Civil Works plan/s addressing the following shall be submitted to and approved by City of Parramatta Council’s Manager Development.

Marine Parade Road alignment near roundabout shall be updated to incorporate the alignment shown on the Transport Impact Assessment report prepared by Thompson Stanbury Associates dated December 2015.

Detail design contour plan of the proposed civil works shall be submitted.

It is noted that stormwater is connected to the existing system. In this regard, stormwater details from the connection point to the Homebush Bay shall be shown on the plan.

The Council approved plans shall be submitted to Principal Certifying Authority and approved as part of Construction Certificate plans.

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

Disabled Access & Facilities

30. 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

Future use of commercial tenancies

31. Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial units in accordance with relevant Australian Standards in order to allow for the event that any of the commercial units are approved for future use as food premises or other uses that require mechanical ventilation.

Reason: To ensure the commercial tenancies are properly equipped with relevant facilities to accommodate the future use.

Maintenance Schedule

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

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

Reason: To ensure adequate ongoing maintenance to the development.

Timbers

33. Prior to the issue of a Construction Certificate, construction drawings/specifications shall indicate that timbers used in the development are plantation, recycled or regrowth timbers of timbers grown on Australian farms or State forest plantations and that no old growth or rainforest timbers are to be used in any circumstances.

Reason: To promote ecologically sustainable development by preventing the use of old growth and rainforest timbers within the development.

Underside of balconies

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

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

Basement Appearance

35. Basement walls to the development that are visible above ground level are to be appropriately finished and be treated to be consistent with the

appearance of the building.

Where the basement wall extends within 1.2m of the boundary, ventilation grilles are not to be provided within these elevations.

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

Switchboards/Service Panels

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

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

Reflectivity Index of Glazing

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

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

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

Roofing Materials – Reflectivity

38. Roofing materials shall be factory pre-finished with low glare and reflectivity properties. The Certifying Authority shall be provided with certification from the applicant, with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.

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

Telecommunication Facilities - Residential

39. The following requirements apply to telecommunication facilities in the building:-
- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - b) Appropriate ducting and cabling shall be provided for a minimum of

three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

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

Lighting to publicly accessible areas

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

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

Waste and recyclables storage area

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

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

Sydney Water Quick check

- 42. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by

Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

Notes: For Quick Check agent details please refer to the web site www.sydneywater.com.au – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

Dial Before you Dig Service

43. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To ensure Council's assets are not damaged.

Impact on Existing Utility Installations

44. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

Submission of full stormwater disposal details

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

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

- i. The proposed stormwater system shall be generally in accordance with the plans approved as part of this consent.
- ii. Detailed hydraulic grade line analysis shall be submitted in order to ensure proposed street drainage system is adequate to convey stormwater runoff from the proposed development.
- iii. Stormwater runoff from roads and 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 Auburn Council's web page www.auburn.nsw.gov.au

Reason: To ensure the stormwater is suitably discharged.

Arrangements for Electricity and Telephone Services

46. Satisfactory arrangements are to be made with electricity and telephony utilities for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate.

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

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

Details on the Location of the Electrical Substation

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

Reason: To ensure a minimal impact for the proposed electrical substation.

Information required prior to the issue of Construction Certificate

48. The following documentation (where applicable) is to be submitted to Council or the accredited certifier, prior to the granting of the construction certificate:
- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
 - b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
 - c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
 - d) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
 - e) Method of protecting window/door openings as required by BCA Part

3.

- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

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

Information required prior to the issue of Construction Certificate

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

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

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

Engineering Design – Basement Excavation

- 50. 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.

Site compaction – work methodology

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

- a) Predicted vibration emissions extending beyond the boundaries of the site generated from the construction works indicating compliance with the requirements of the NSW Environment Protection Authority's Noise Control Guidelines – Vibration in Buildings; and
- b) Measures to minimise offensive noise emissions and vibrations to demonstrate compliance with the NSW Interim Construction Noise guidelines 2009 (DECCW).

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

Car wash bay in residential development

52. The car wash bay, measuring a minimum of 3.5m x 5.5m must be provided with a water connection and drainage to sewer. All wash bay discharges are to be disposed of according to the requirements of Sydney Water which requires a trade waste agreement. Details of the design of the car wash bay are to be included on the construction certificate plans.

Reason: To ensure that stormwater drains are not polluted.

Exhaust fumes

53. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

Security roller shutters for basement car parking

54. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

Driveway Grades

55. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

Parking Space Design

56. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note: Tandem parking spaces are to be allocated to a single unit, this is to be shown on plans and indicated with appropriate signage. Storage cages adjacent to these spaces are to be 0.3m clear of the marked parking space and set back at least 2m from the aisle. Wheel stops are to comply with Table 2.1 and Clause 2.4.5.4 of AS2890.1-2004.

Reason: To comply with Council's parking requirements and Australian Standards.

Bicycle Parking Provision

57. 154 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate. Note: Two bicycle spaces are to be provided in a horizontal layout and comply with Figure 2.2 of AS2890.3-2015. The layout of vertical bicycle parking must comply with Figure B7 of AS2890.3-2015.

Reason: To comply with Council's parking requirements.

Parking Revisions

58. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures, driveway ramp access gradients and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

Sightlines

59. A splay extending 2m from the driveway edge along the property boundary and 2.5m from the boundary of the driveway is to be provided. This splay is to comply with Figure 3.3 of AS2890.1 and shall provide clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

Reason: To comply with Australian Standards and ensure pedestrian safety.

Car Parking Allocation within Development

60. A plan shall be provided as part of the Construction Certificate documentation indicating the location of off-street car parking spaces and their allocation to individual units within the development. In this regard, the proposal must provide at least the following number of off-street car parking spaces for the indicated use:

- a) 396 Residential (Resident)
- b) 7 Residential (Visitor)
- c) 46 Residential Disabled (Resident)
- d) 1 Residential (Car Wash)
- e) 4 Commercial (Staff)

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

Protective bar to vehicular entry

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

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

Parking Signage

62. 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.

Carrying capacity of driveways – Heavy duty

63. 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.

Street Boundary Levels

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

Reason: To ensure the correct levels are used for the development.

Planter Box Details

65. Construction details showing plant species, number of plants, substrate depth, drainage, waterproofing, etc. for ground floor and roof top planter boxes are to be signed off to the satisfaction of Council prior to the issue of a construction certificate.

Reason: To ensure the creation of functional gardens.

Prior to Work Commencing

Appointment of PCA

66. Prior to commencement of work, the person having the benefit of the

Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

Enclosure of the site

67. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

Site Sign

68. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason: Statutory requirement.

Public liability insurance

69. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being

undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

Neighbour 24 notification of commencement of demolition

70. 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.

Maintain plans on-site

71. 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.

PCA – Inspection of works – general & site management

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

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

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

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

waste containers or other obstructions.

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

Toilet facilities on site

73. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

Construction and Traffic Management Plan

74. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement

date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
 - (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

Dilapidation survey & report for private properties

75. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation

of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

Erosion and Sediment Control measures

76. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

Site Maintenance

77. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

Shoring and adequacy of adjoining property

78. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
- (a) Protect and support the adjoining premises from possible damage

from the excavation

- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

Road Opening Permit

79. 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.

Restoration Works

80. 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.

Services to be capped

81. 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.

Prior to construction commencing

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

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

i) Other.

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

Erection of hoardings

83. A Hoarding Application to enclose public space is to be accompanied by the appropriate fee calculated according to Council's adopted fees and charges, together with details showing the location and type of hoarding proposed as required by Council's Hoarding Policy.

No demolition or works can commence until approval for the hoarding has been obtained.

Reason: To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

Soil and Water Management Plan

84. A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's *Managing Urban Stormwater: Construction Activities* or relevant equivalent and as per the recommendations of the Preliminary Site Investigation Report prepared by Environmental Earth Science, dated 8 October 2015. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the Plan shall be maintained at all times. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

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

Remediation works - contact

85. A sign displaying the contact details of the remediation contractor shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Reason: To provide contact details for council inspectors and for the public to report any incidents.

Tree Protection During Construction

86. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

Reason: To ensure trees are protected during construction.

During Work

Hours of Work

87. All work (excluding demolition which has separate days and hours

outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Reason: To protect the amenity of the area.

Noise from construction activities

88. 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.

Street Tree Protection

89. Street and reserve trees must be protected during demolition, excavation and construction works as follows:
- a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. It is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
 - b) Materials or goods, including site sheds, must not be stored or placed:
 - i. around or under the tree canopy; or
 - ii. within two (2) metres of tree trunks or branches of any street trees.
 - c) Any damage sustained to street tree/s as a result of demolition, excavation and construction works, must be immediately reported to the Council's Tree Management Officers on 9806 5050, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

Site to be kept in a clean condition

90. 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.

Items not to be placed on roadway

91. 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.

Footpath area to be illuminated

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

Reason: To ensure the safety of pedestrians when passing the site.

Erosion & sediment control measures

93. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

Survey Documentation

94. A Registered Surveyors check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:-
- a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.
 - b) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
 - c) Prior to construction of each floor level showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - d) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

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

Disposal of Site Water

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

Reason: To prevent water pollution from occurring.

Car parking & driveways

96. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

Vehicle egress signs

97. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

Oversize vehicles using local roads

98. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Material storage and trees

99. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

Reason: To ensure the protection of the tree(s) to be retained on the site.

No attachments to trees

100. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

Removal of trees by an arborist

101. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

Reason: To ensure works are carried out in accordance with the Draft

Tree Work Code of Practice 2007.

Waste data maintained

102. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

Requ. to notify about new contamination evidence

103. 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 principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

Monitoring of field parameters

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

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

Contaminated waste to licensed EPA landfill

105. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

Importation of clean fill

106. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

Occupation Certificate

107. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

Reason: To complying with legislative requirements of the

Environmental Planning and Assessment Act 1979.

Street Number when site readily visible location

108. Street numbers are to be placed on each building in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.
Reason: To ensure a visible house number is provided.

BASIX Compliance

109. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 670932M, will be complied with prior to occupation
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

Provision of electricity services

110. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.
Reason: To ensure appropriate electricity services are provided.

SEPP 65 verification statement OC stage

111. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.
Note: Qualified designer in this condition is as per the definition in SEPP 65.
Reason: To comply with the requirements of SEPP 65.

Adaptable dwellings

112. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.
Reason: To ensure the requirements of DCP 2011 have been met.

Post Construction Private Property Dilapidation Report

113. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the

occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

Provision of Mirrors

114. Prior to the issue of the occupation certificate, convex mirrors are to be installed, with their height and location adjusted to allow an exiting driver a full view of the driveway/circulation roadway in order to see if another vehicle is coming through. Convex mirrors are to be installed at both ends of the ramp and at the curve point.

Reason: To ensure safety of drivers.

Storage

115. Prior to the issue of the occupation certificate the basement storage areas will be allocated to the applicable units. The allocation will be such that each unit has a minimum total secure storage volume (including the storage space within each unit) as follows:

- 1 bedroom units – 6m³
- 2 bedroom units – 8m³
- 3 bedroom units – 10m³

Reason: To ensure each unit has sufficient on-site storage capacity.

Compliance with Submitted Acoustic Report

116. All noise control measures and internal noise level criteria specified in the acoustic assessment reports prepared by Acoustic Logic, (reference number 20150891.1, dated 16 September 2015) shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

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

Suitable arrangements to be made for garbage and recycling services

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

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

Final Fire Safety Certificate

118. 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.

Compliance with Development Consent

119. The subdivision certificate will not be issued until a final Occupation Certificate has been submitted to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

Request for a Subdivision Certificate

120. A separate application must be made for a subdivision certificate. The application is to be accompanied by a final Occupation Certificate.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

Lockable Pedestrian Entries

121. All shared pedestrian entries to the buildings must be lockable.

Reason: To ensure adequate security provision to shared pedestrian entries to the development in accordance with Council’s Development

Control Plan requirements.

Street Lighting – Community Roads

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

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

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

Record of inspections carried out

123. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Construction Certificate number as registered;
 - (b) The address of the property at which the inspection was carried out;
 - (c) The type of inspection;
 - (d) The date on which it was carried out;
 - (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
 - (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with stator requirements.

Section 73 Certificate

124. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The 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 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

Street Numbering

125. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

Request for a Subdivision Certificate

126. A separate application must be made for a subdivision certificate. The application is to be accompanied by a final Occupation Certificate.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

Compliance with Development Consent

127. The plan of subdivision shall not be issued until documentary evidence of compliance with the entire condition of Development Consent No. DA/728/2016 has been submitted to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

Subdivision plan to conform to Develop Consent

128. The Linen plan of subdivision shall conform to Council's Development Consent No. DA/728/2016 and all relevant conditions there under including concept subdivision plan approved as a part of the development consent.

Reason: To ensure the Linen plans are in accordance with the approved subdivision plan as a part of the development consent.

Vehicle Driveway Crossings and Gutter Laybacks

129. 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.

Works-as-Executed Plan – Drainage Plans

130. 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.

Footpath Construction

131. The footpath adjoining Baywater Drive and Monza Boulevard frontages shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.
- Detail footpath design shall be submitted and approved by Council's Works and Services section prior to the issue of a Construction Certificate.
 - Street boundary levels obtained from Council shall be incorporated in the design.
 - The details of construction requirements shall be requested from the Council prior to commencement of construction.
 - Formwork inspection and footpath inspection shall be carried out by Council.
 - All associated cost shall be borne by the applicant.
 - The 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 Auburn Council requirements

Mechanical Ventilation Systems/Cooling Towers

132. The mechanical ventilation system shall comply with *Australian Standard AS1668.2 – 1991. The use of mechanical ventilation and air conditioning in buildings*. Prior to installation, the design is to be certified by a person competent to do so. At the completion of the installation of the mechanical ventilation system, the work shall be certified by a person competent to do so. The certification shall include:-

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

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

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

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

Submission of Works-as-Executed Fire Services Plan

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

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

Signs for Visitor Parking

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

Reason: To ensure the visitor parking spaces are clearly identified.

Separation of Vehicular Entry/Exit

135. Vehicular entrances and exits shall be separated physically and sign

posted so they are clearly visible to motorists entering or leaving the site.
Reason: To assist the safe movement of vehicles.

Basement parking – paint colours

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

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

Car Parking Spaces – Restrictive Covenant

137. The following shall be complied with:-

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

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

Civil works construction

138. All the civil works (i.e. extension of Nuvolari Place and Marine Parade) shall be constructed in accordance with approved civil works plans prior to the issue of any Occupation Certificate.

Reason: To ensure access to public footpath is provided.

Access to Public Road

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

Reason: To ensure access to public road is provided.

Car Share

140. Two (2) of the approved on-street car parking spaces shall be dedicated for exclusive use by registered car share providers prior to the issue of an Occupation Certificate. The spaces shall be appropriately marked with line markings and signs to indicate they are for car share vehicles only.

Reason: To ensure parking is provided in accordance with the proposal.

Certification of Qualified Landscape Architect

141. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

Landscaping – Street Trees

142. The following street trees are to be planted in accordance with the Homebush Bay West Public Domain Plan. Additional plantings (not nominated under this part) should adhere to the requirements of the Homebush Bay West Public Domain Plan.

- Baywater Drive - Infill planting at 8m spacing, *Pyrus usseriensis* min. 45L pot size.
- Monza Boulevard - Plant in kerbside planting beds, *Pyrus usseriensis* min 45L pot size.
- Marine Parade - Plant at 8m spacing or in kerbside planting beds, *Eucalyptus haemastoma* min 45L pot size.

All landscaping works should be undertaken/installed prior to the issue of the relevant Occupation Certificate.

Reason: To ensure street trees are planted in accordance with the Homebush Bay West Public Domain Plan.

Reinstatement of footpath and footpath crossing

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

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

House sewer and plumbing work

144. All house sewer and plumbing work shall conform to the requirements of AS 3500: 2003, National Plumbing Code as well as the NSW Code of Practice for the Plumbing and Drainage 3rd edition, 2006. In this regard, a licensed plumber is to submit a Certificate of Compliance to the principal

certifying authority certifying that all plumbing and drainage works have been carried out in accordance with prescribed standards prior to the occupation certificate.

Reason: To ensure compliance of relevant standards.

The Use of the Site

External Plant/Air-conditioning noise levels

145. Any plant/lift/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured within the approved units or at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

Graffiti Management

146. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

No Advertising Approved

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

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

Odour

148. 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.

Water Pollution

149. 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.

Removal of Litter

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

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

Noise and Vibration

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

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

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

For assessment purposes, the above LAeq 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.

Lighting – external flood lights

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

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

Ongoing Waste Management

153. Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:-
- a) Appropriate waste management practices are to be adopted within the development at all times.
 - b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
 - d) A person shall be employed/nominated to manage the collection of

waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.

- e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

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

Annual Fire Safety Statement

154. 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.

Roller Doors

155. The roller shutter doors to be provided at the entrance to the car park are to be operated via remote control, shall operate silently and be maintained in working order.

Reason: To comply with Australian Standards

Vehicles Driven in Forward Direction

156. 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.

Loading and Unloading of Vehicles

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

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

Landscape maintenance

158. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.

Remove putrescible waste at sufficient frequency

159. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

Date: 30 November 2016

Responsible Officer: Alex McDougall