

“Appendix 1” to Section 79C Assessment Report - DA/696/2016

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/696/2016
Property Address: Lot 18 DP 270113
6-8 Baywater Drive, WENTWORTH POINT
NSW 2127

The application be determined by the granting of a “deferred commencement” consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979. Upon strict compliance with all conditions appearing in Schedule 1 and with the issue of confirmation to that effect in writing from Council, the “deferred commencement” consent shall revert to development consent, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80(1) of the Act:

SCHEDULE 1

1. The uppermost level of the northern block shall be deleted. For the avoidance of doubt the uppermost level is described as Level 8 in the approved plans and contains the units BN801 to BN807 (inclusive). The roof form of the resultant building should be generally in keeping with the approved roof form on the southern block. Details are to be submitted to Council and approved by Council’s Manager DTSU prior to release of the operational Consent.
Reason: To comply with the requirements of the Homebush Bay West Development Control Plan and increase the solar access of the communal open space and adjoining units.

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above conditions within **24 months**.

Upon compliance with the above requirement, a full Consent will be issued subject to the following conditions:

SCHEDULE 2

General Matters

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> |
|---|-----------------------------|-----------------------|---------------------|
| <i>Architectural Drawings</i> | | | |
| DRWG No. 100 | TIER Architects | D | 13/03/2017 |
| DRWG No. 101 | TIER Architects | D | 13/03/2017 |
| DRWG No. 102 | TIER Architects | D | 13/03/2017 |
| DRWG No. 200 | TIER Architects | D | 13/03/2017 |
| DRWG No. 201 | TIER Architects | D | 13/03/2017 |
| DRWG No. 202 | TIER Architects | D | 13/03/2017 |
| DRWG No. 203 | TIER Architects | D | 13/03/2017 |
| DRWG No. 204 | TIER Architects | D | 13/03/2017 |
| DRWG No. 205 | TIER Architects | D | 13/03/2017 |
| DRWG No. 206 | TIER Architects | D | 13/03/2017 |
| DRWG No. 207 | TIER Architects | D | 13/03/2017 |
| DRWG No. 208 | TIER Architects | D | 13/03/2017 |
| DRWG No. 209 | TIER Architects | D | 13/03/2017 |
| DRWG No. 300 | TIER Architects | D | 13/03/2017 |
| DRWG No. 301 | TIER Architects | D | 13/03/2017 |
| DRWG No. 302 | TIER Architects | D | 13/03/2017 |
| DRWG No. 303 | TIER Architects | D | 13/03/2017 |
| DRWG No. 401 | TIER Architects | D | 13/03/2017 |
| DRWG No. 402 | TIER Architects | D | 13/03/2017 |
| DRWG No. 403 | TIER Architects | D | 13/03/2017 |
| DRWG No. 600 | TIER Architects | D | 13/03/2017 |
| DRWG No. 800 | TIER Architects | D | 13/03/2017 |
| DRWG No. 801 | TIER Architects | D | 13/03/2017 |
| DRWG No. 900 | TIER Architects | D | 13/03/2017 |
| DRWG No. 999 | TIER Architects | D | 13/03/2017 |
| <i>Photomontages</i> | | | |
| Photomontage 1 | TIER Architects | - | Undated |
| Photomontage 2 | TIER Architects | - | Undated |
| Photomontage 3 | TIER Architects | - | Undated |
| Photomontage 4 | TIER Architects | - | Undated |
| <i>Landscape Drawings</i> | | | |
| DRWG No. DA-L101 | Canvas Landscape Architects | D | 20/03/2017 |
| DRWG No. DA-L102 | Canvas Landscape Architects | D | 20/03/2017 |
| DRWG No. DA-L103 | Canvas Landscape Architects | D | 20/03/2017 |
| DRWG No. DA-L103 | Canvas Landscape Architects | B | 13/12/2016 |
| DRWG No. DA-L105 | Canvas Landscape Architects | C | 20/03/2017 |
| <i>Stormwater & Civil Drawings</i> | | | |

| | | | |
|--|------------------------------------|----|----------------|
| DRWG No. 15MB6647/C01 | United | A | 30/11/2015 |
| DRWG No. 15MB6647/D01 | United | A | 30/11/2015 |
| DRWG No. 15MB6647/D02 | United | A | 30/11/2015 |
| DRWG No. 15MB6647/D03 | United | A | 30/11/2015 |
| DRWG No. 15MB6647/D04 | United | A | 30/11/2015 |
| <i>Reports</i> | | | |
| Stage 1 Preliminary Contamination Assessment | Environmental Earth Sciences | V2 | 8 October 2015 |
| Remediation Action Plan | Environmental Earth Sciences | V1 | June 2016 |
| Wind Assessment | CPP | - | 20/05/2016 |
| Acoustic Report 20150891.2/0706A/R0/EC | Acoustic Logic | 0 | 07/06/2016 |
| Transport Impact Assessment 15-048-2 | Thompson Stanbury Associates | - | July 2016 |
| Access Compliance Report | Vista Access Architects | A | 07/06/2016 |
| BASIX Certificate (Certificate No. 733303M) | Outsource Ideas P/L | - | 25/07/2016 |
| Construction Waste Management Plan | Nicholas Nasser | - | 10/08/2016 |
| Waste Management Plan | Elephants Foot Recycling Solutions | B | 01/08/2016 |
| BCA Report | Building Code Assistance | - | 30/05/2016 |
| Statement of Environmental Effects | Nino | 3 | 25/07/2016 |

Note: In the event of any inconsistency between the architectural plans, landscape plans, stormwater disposal plans or photomontages, the architectural plans shall prevail to the extent of the inconsistency.

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

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.

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.
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.
5. 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.
6. 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.
7. 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.
8. 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.

9. Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the Acoustic Report 20150891.2/0706A/R0/EC by Acoustic Logic dated 07/06/2016. 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

10. The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason: To ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

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

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

Reason: To prevent localised flooding.

12. 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 shall 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.

- 13. 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.)

14. The upgrade works to the public domain (i.e. northern urban plaza, foreshore linear park and foreshore promenade) as set out on the plans hereby approved are indicative only. Prior to the issue of the first Construction Certificate, a set of **Public Domain Plans**, including alignment plans, prepared by a qualified landscape architect and engineer, detailing the provision of public domain upgrades, must be submitted to and approved by Council's Urban Design team.

The applicant is to provide evidence that the design of the northern urban plaza has been coordinated with the owner of the adjoining land to the north.

Reason: To ensure the approved works are consistent and required amendments are addressed in accordance with Council's Policy.

15. Paving materials for Foreshore Promenade are to be in accordance with Homebush Bay West DCP / Public Domain Manual. The asphalt pavement for the foreshore promenade is to be placed on a fibrecrete blinding layer (100mm depth fibrecrete (25MPa) blinding layer) which is to replace the reinforced concrete subbase.

Driveways paving is to be in-situ concrete and as per Parramatta's Design Standard for driveways.

Footpaths are to be in accordance with the Public Domain Manual. Paving material is to be in-situ concrete.

Feature paving along the north boundary extends from the private land into the public domain. Feature paving is to be removed from the public domain and not to extend beyond the 'block boundary' shown on the approved plans. The paving type is to be in accordance with the Public Domain Manual.

All falls of paved areas should be 2.5% which is the maximum fall in the path of travel. A 1% fall is the minimum but 2.5% is Council's preference. Along the foreshore promenade the fall is towards the harbour and a 2.5% crossfall is recommended to transition smoothly to the other section of the promenade and to provide proper drainage. This is to meet the design requirement of the promenade to read as one smooth and continuous path in its entirety along the foreshore.

Details demonstrating compliance is to be submitted to the Principal

Certifying Authority prior to the release of the construction certificate.

Reason: To comply with the Homebush Bay West DCP and Homebush Bay West Public Domain Guidelines and improve public domain amenity.

16. Kerb ramps must be designed and located in accordance with the Homebush Bay West Public Domain Manual.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To improve accessibility in public domain and comply with AS 1428.1

17. TGSIs must be used in the public domain (driveways, flush crossings, kerb/pram ramps, to comply with the AS 1428.1 and the requirements in Homebush Bay West's DCP / Public Domain Manual.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To improve accessibility in public domain and comply with AS 1428.1

18. Street furniture selection and detail shall be to Council's requirements. Street furniture in public domain must comply with Homebush Bay West DCP and Public Domain Manual unless otherwise directed by Council. All proposed furniture shall be adequately detailed in the public domain construction documentation.

Bench seats with back rest and arm rest is required to be supplied and installed to meet DDA requirements. A minimum of 4 seats, located along/within the foreshore park and the north urban park plaza, are to be provided as per the Public Domain Manual to be.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To improve public domain amenity

19. Pedestrian and street lighting shall match the lighting in the foreshore promenade and park to the north of Baywater Drive in front of Sekisui House, 41-45 Hill Road and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To improve safety and public domain amenity.

20. Bollards shall match the bollards used along the foreshore promenade to the north of Baywater Drive in front of Sekisui House, 41-45 Hill Road and Australian Standards. All bollards in the public domain shall be detailed in the Public Domain Construction Documentation.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To improve public domain amenity.

21. The foreshore promenade edge will be required to match the edge conditions that are being developed to the north of the development in front of Sekisui House, 41-45 Hill Road which do not require a timber hob. Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To improve public domain amenity and provide consistency and legibility.

22. The final Landscape Plan must be consistent with Landscape Plan: Prepared by Canvas Landscape Architects dwg no. DA-L101-103 Revision D dated 20 March 2017 and DA-L05 Revision C dated 20 March 2017 and must co-ordinate with the Public Domain Plan adjoining the foreshore promenade, together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority prior to the issue of a construction certificate, addressing the following requirements:
- (a) Redesign of the landscaping areas adjacent the foreshore promenade to include the following:
 - Removal of proposed 'Large Canopy Fig Tree Planting';
 - Planting of *Cupaniopsis anacardioides* (Tuckeroo) along the foreshore promenade boundary to be planted at eight (8) metre centres underplanted with selected species of low ground covers appropriate for the site conditions. The layout design must allow free flow for public access to the Foreshore Linear Park. The tree(s) are required to be provided in a minimum 100 litre container.
 - Planting of two (2) x *Ficus rubignosa* (Port Jackson Fig) feature trees centred within the turfed areas located in front of and on either side of the 'East Lobby'. The tree(s) are required to be provided in a minimum 200 litre container. A mulched protection area is required to the dripline of the trees.
 - (a) Deletion of *Ficus macrophylla* (Moreton Bay Fig) from the Proposed Indicative Plant Schedule, as it is unsuitable for this type of development.
 - (b) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

23. The extended tree pits along Marine Parade are required to be a minimum of 4m in length (2 tree pits will be required to be addressed). The street tree must be planted in accordance with the Homebush Bay West Public Domain Manual.

The street tree at the corner of Marine Parade and Baywater Drive is located too close to the intersection and obstructs the site line of that intersection. The requirement is to provide a minimum of 12m unobstructed site line clearance from the kerb line intersection. The tree is to be relocated or removed to maintain unobstructed site line.

Reason: To ensure street trees being planted in appropriate locations and optimal growth and survival.

24. The required street tree species and supply stocks are:

| Street Name | Botanical Name | Common name | Pot Size |
|-----------------------|--|------------------|----------|
| Marine Parade | <i>Magnolia grandiflora</i> "Exmouth" | Exmouth Magnolia | 200L |
| Foreshore Linear Park | <i>Ficus rubiginosa</i> | Port Jackson Fig | 200L |
| Foreshore Linear Park | <i>Cupaniopsis anacardioides</i> | Tuckeroo | 100L |

The tree supply stock shall comply with the guidance given in publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

| Container Size | Height (above container) | Caliper (at 300mm) | Clear Trunk Height |
|----------------|--------------------------|--------------------|--------------------|
| 45 litre | 1.9 – 2.3 metres | 30 – 35mm | 1.2 metres |
| 75 litre | 2.2 – 2.4 metres | 40 – 45mm | 1.4 metres |
| 100 litre | 2.4 metres | 50mm | 1.4 metres |
| 200 litre | 2.8 metres | 60mm | 1.5 metres |
| 400 litre | 3.5 metres | 80mm | 1.7 metres |

Reason: To ensure high quality of tree stock

25. Base of all tree pits shall incorporate a drainage pipe that connects to stormwater or drain wherever possible.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To reduce stormwater run-off.

26. All the plants in the planter boxes along the building frontages shall be no less than **200mm** (or 45L for shrubs) pot sized. All the planter boxes shall have no less than **600mm** deep soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to stormwater.

An automatic irrigation system shall be set up for the planting bed. The public domain construction documentation must include the full performance specifications for the installation and operation.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

Reason: To ensure high quality building interface to public domain and minimise potential impacts

27. All roof water and surface water is to be connected to an approved drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

28. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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 \$1,078,269.35 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 | \$ 210,682.27 |
| Open Space - District Acquisition and Embellish. | \$ 508,649.63 |
| Community Facilities | \$ 284,784.88 |
| Plan Administration | \$ 74,152.57 |
| Total | \$ 1,078,269.35 |

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.

35. 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.

36. 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.

37. 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.

38. 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.

39. The development must incorporate fifty-seven (57) 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 appropriately designed.

40. Prior to the issue of a Construction Certificate, a dilapidation report is to be prepared for the current state of the existing sea wall to the front of the site. 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 construction phases may have on its structural integrity.

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

41. 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

42. 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.

43. 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) Any painted exterior of the buildings is to be 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. The following lighting requirements shall be complied with:

- a) All 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.

52. The waste and recyclable storage area shall be adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls. 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.

53. 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.

54. 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.

55. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the structure can withstand flooding events.

56. The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

Reason: To ensure the flood warning system is installed.

57. 2 x Gross Pollutant Trap Spel Ecoceptor 1000 Series water quality treatment devices must be installed to manage surface runoff water to Parramatta River to satisfy the Homebush Bay West Development Control Plan June 2004. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure appropriate water quality treatment measures are in place.

58. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

Reason: To enable future upgrading of electricity services.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

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

71. A minimum of 116 bicycle spaces/racks are to be provided and used accordingly, consisting of at least 95 residential-use spaces, 20 visitor-use spaces and 1 commercial-use space. The bicycle storage/racks are to comply with AS 2890.3-2015. Details of the spaces and bicycle parking devices are to be illustrated on plans submitted with the construction certificate. Note: Bicycle spaces on the ground floor are to be amended such that their minimum dimensions are 1.8m length, 0.5m width with 1.5m aisle width provided. Bicycle spaces may encroach on the shared area of disabled spaces provided at least 2.4m x 5.4m of shared area is retained in compliance with AS2890.6-2009.

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

72. 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. Note: Changes of grade on the southern driveway access to the site are to be provided as curves or incremental changes in accordance with Table 3.2 of AS2890.2-2002, in order to accommodate the MRV and HRV.

Reason: To ensure appropriate vehicular manoeuvring is provided

73. 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. Note: Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

74. 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.

75. 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.

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

76. 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.

77. 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.

78. 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.

79. 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

80. 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.

- 81. Details of the proposed 375mm diameter reinforced concrete pipe-work within The Promenade shall be submitted for Council's City Works Unit approval prior to commencement of any work.

Reason: To ensure adequate stormwater infrastructure is provided.

- 82. 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.

- 83. A sign must be erected in a prominent position on any site involving excavation or erection 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 and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason: Statutory requirement.

- 84. 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.

85. 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.

86. 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.

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

Reason: To ensure adequate toilet facilities are provided.

88. 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; taking advantage of the staged nature of the development's construction by providing parking on Site B for the construction of Site A and vice versa.
 - (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 the City of Parramatta 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.

89. 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.

90. 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.
91. 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.
92. 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.
- Reason:** To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.
93. 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.

94. 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.
95. 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

96. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).
Reason: To ensure satisfactory stormwater disposal.
97. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.
Reason: To ensure Council's assets are appropriately constructed.
98. Approval is granted for removal of all existing trees located within the site boundaries.
Reason: To facilitate development.
99. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.
Reason: To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.
100. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase.

The required Council inspections include (but are not necessarily limited

to) the following where applicable and apply to all **Council** and **privately certified** projects.

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade and formwork inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits:
- Blinding layer / concrete slab base completion and initial (indicative) setout of pavers, street fixtures and fittings as applicable to ensure compliance with the requirements of the DCP; Public Domain Manual and Public Domain Guidelines;
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings

Note: Additional daily inspections by Council officers may occur to view progressive paving set out and construction depending on the project size and type.

Note: Inspections for all public domain and/or stormwater works must be booked **at least 24 hours** in advance by calling Council's Civil Infrastructure Unit on 9806 8250.

Required inspections for dedicated foreshore promenade:

- Commencement of the works in the dedicated land including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of bitumen pavement
- Completion of concrete blinding layer before any paver/pavement type to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Trees and plant stocks delivered to site and prior to planting. Trees are to be installed within 24 hours of delivery (if applicable);
- Completion of unit paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.

Reason: To ensure the quality of public domain works complying with

Council standards and requirements.

101. Any defects raised by Council officers during the above construction and defects period inspections will be notified in writing. Defects may include incorrect location of elements, unsatisfactory construction techniques or finishes, or any other non-compliances with the approved plans and specifications or the public domain guidelines.

All defects raised by Council's officer during the construction period or defects liability period need to be rectified prior to and signed off at the final defects inspection by Council's officer in order to achieve Occupation Certification. This applies to both Council and privately certified projects.

Reason: To ensure the quality of public domain works complying with Council standards and requirements.

102. All work 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.

Reason: To protect the amenity of the area.

103. 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.

104. Street and reserve trees must be protected during 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 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.

105. 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.

106. 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.

107. 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.

108. 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.

109. 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.

110. 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.

111. 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.

112. 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.

113. 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.

114. 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.

115. 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).

116. A Waste Data file is to be maintained, recording building contractor's details and waste disposal receipts/dockets for any 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.

117. Any new information which comes to light during remediation 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.

118. 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.

119. 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.

120. 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

121. 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.

122. Prior to the issue of the Occupation Certificate (including interim Occupation Certificate), the approved Public Domain Plan works, include northern urban plaza, foreshore linear park, and foreshore promenade must be completed as approved to Council's satisfaction and a **Final Approval** shall be obtained from Council's Assets & Urban Design teams.

Council will issue the **Final Approval** for the finished public domain works that complies with the approved public domain documentations and Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified.

The **Work-as-Executed Plans** shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.

Reason: To ensure the required public domain improvements are provided.

123. The land between the 'block boundary' and the 'site and precinct

boundary' on approved plan 'Boundary Plan' Ref: DRWG No. 999 Rev: D by TIER Architects dated 13/03/2017 is to be dedicated to the relevant community title scheme at no cost prior to the issue of an occupation certificate.

Reason: To ensure the proposal provides the public open space required by the controls.

124. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

125. 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.

126. 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. 733303M, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

127. 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.

128. 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.

129. 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.

130. 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.

131. 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.

132. 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.

133. All noise control measures and internal noise level criteria specified in the Acoustic Report Ref: 20150891.2/0706A/R0/EC-0 by Acoustic Logic dated 07/06/2016 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.

134. 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.

135. 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.

136. 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.

137. 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).

138. 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.

139. 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.

140. 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.

141. 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.

142. 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.

143. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

144. 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.

145. The footpath surrounding the proposed buildings shall be constructed 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.
- 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

146. 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.

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

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

148. 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.

149. 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.

150. 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.

151. 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.

152. 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

153. Public access right of way shall be provided over the land between the 'block

boundary' and the 'site and precinct boundary' on approved plan 'Boundary Plan' Ref: DRWG No. 999 Rev: D by TIER Architects dated 13/03/2017 for the Public benefit. The right of way shall be in accordance with the approved plans. The terms and conditions of the public access right of way shall be prepared to Council's satisfaction.

Reason: To ensure the proposal provides the public open space required by the controls.

154. 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.

155. 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.

156. 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.

157. 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.

158. 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.

159. 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.

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

a) 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

b) transmission of vibration to any place of different occupancy above

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

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

Reason: To ensure adequate acoustic amenity in the locality.

161. 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.

162. 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.

163. 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.

164. 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

165. The exit of vehicles from the site via the southern driveway shall be facilitated by an automatic security door system, as no internal intercom is shown on plans.

Reason: To comply with Australian Standards

166. 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.

167. All landscape works, including those in the public domain, 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.

168. 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.

169. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

Date: 3 April 2017
Responsible Officer: Alex McDougall