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## CONDITIONS OF DEVELOPMENT CONSENT

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DA No: DA-363/2017  
Property: 4-14 Mark Street, LIDCOMBE  
Description: Demolition of existing dwellings & associated structures and construction of a ten storey mixed-use development consisting of 6 commercial tenancies and 171 residential units over five level basement parking

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1.

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

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 4.16(3) of the Environmental Planning and Assessment Act (as amended), this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

**DC1. Amended architectural plans**

Amended stormwater and architectural plans addressing following shall be submitted to and approved by **Cumberland Council**:

Traffic/parking

- a) Driveway shall be minimum 2.0m from the southern boundary and vehicles shall enter and leave the site perpendicular to the site boundary. In this regard driveway shall be realigned.
- a) Width of the driveway shall be 7.0m at the site boundary.
- b) Turning area shall be provided at the basement near roller doors.
- c) Proposed truck turning area interferes with the car park access. Truck reverse manoeuvring shall be clear of car parking access.
- d) A 2.5m splay shall be provided at the Marsden Street and Mark Street corner. No basement or underground structures are permitted within the splay area. No structures shall be located within the splay area for 3.6 m height from adjacent kerb levels.
- e) Longitudinal view of the sewer realignment along the basement shall be submitted in order to ensure adequate clearances available for the parking spaces and circulations aisles.
- f) Width of the retail customer and visitor parking spaces shall be minimum 2.6m.
- g) Parking space layout and ramp gradients shall comply with Australian standard AS2890.1 and AS2890.6.
- h) Traffic report shall be updated to comply with changes.

Reason:- to ensure stormwater disposal comply with Council's DCP and Australian standard AS2890.1, AS2890.2 & AS2890.6.

**DC2. Amended BASIX Certificate**

An amended BASIX Certificate shall be submitted to reflect the changes made to the architectural plans – Revision B.

Reason:- to comply with the EP&A Regulations.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of **2 years**, sufficient enough for Council to be able to be satisfied of the above matters.

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

**B) Conditions to be satisfied throughout the term that the consent remains valid:-**

**Approved Plans – Deferred Commencement**

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

<b><i>Plan Number</i></b>	<b><i>Prepared By</i></b>	<b><i>Revision No.</i></b>	<b><i>Dated</i></b>
Basement 5 Plan DA-B:05A	Zhinar Architects	B	29.01.2018
Basement 4 Plan DA-B:05B	Zhinar Architects	B	29.01.2018
Basement 3 Plan DA-B:06	Zhinar Architects	B	29.01.2018
Basement 2 Plan DA-B:07	Zhinar Architects	B	29.01.2018
Basement 1 Plan DA-B:08	Zhinar Architects	B	29.01.2018
Site Plan (Existing context) DA-B:09A	Zhinar Architects	B	29.01.2018
Site Plan (Future context) DA-B:09B	Zhinar Architects	B	29.01.2018
Ground Floor Plan DA-B:10	Zhinar Architects	B	29.01.2018
Level 1 Plan DA-B:11A	Zhinar Architects	B	29.01.2018
Level 2 Plan DA-B:12	Zhinar Architects	B	29.01.2018
Level 3-7 Plans (typical) DA-B:13	Zhinar Architects	B	29.01.2018
Level 8 Plan DA-B:14	Zhinar Architects	B	29.01.2018
Level 9 Plan DA-B:15	Zhinar Architects	B	29.01.2018
Roof Plan DA-B:16	Zhinar Architects	B	29.01.2018
Top Roof Plan DA-B:17	Zhinar Architects	B	29.01.2018
Section A DA-B:22	Zhinar Architects	B	29.01.2018

Section B DA-B:23	Zhinar Architects	B	29.01.2018
Section C DA-B:24	Zhinar Architects	B	29.01.2018
Section D DA-B:25	Zhinar Architects	B	29.01.2018
Street Frontage DA-B:04	Zhinar Architects	B	29.01.2018
West Elevation- Mark St DA-B:18	Zhinar Architects	B	29.01.2018
East Elevation DA-B:19	Zhinar Architects	B	29.01.2018
North Elevation- Marsden St DA-B:20	Zhinar Architects	B	29.01.2018
South Elevation DA-B:21	Zhinar Architects	B	29.01.2018
Landscape Plan (site plan, roof plan, planting plan) Sheet 1/3 to 3/3	Paul Scrivener	E	30.01.18
Stormwater Plans SW010, SW020, SW021 and SW030	Mance Arraj	B	30.01.18
BASIX Certificate no. 847143M	Building Sustainability Assessments	-	14.08.17
Waste Management Plan jb no. 8538	-		29.01.18
Traffic Assessment Report	Varga Traffic Planning	-	8.08.17 and 20.12.17
Access Compliance Report re. 17057	Vista Access Architects	Revised	-
Acoustic Report ref. 20170376.1/3103A/R0/EC	Acoustic Logic	-	31.03.17 and 6.12.17
Qualitative Wind Assessment Report ref. 610.17501	SLR Global Env Solutions	1.0	25 July 2017
Preliminary Site Investigation Report ref. 17/0491	STS Geo Environmental	-	March 2017
Arboricultural Impact Assessment Report ref. 2778	Redgum Horticultural	-	22.03.17

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

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended)).

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

**2. Time period of consent**

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

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

Reason:- to satisfy the requirements of Section 4.53 of the Environmental Planning and Assessment Act (as amended).

**3. Auburn DCP 2007: Section 7.11 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 7.11 Development Contribution Plan 2007, which has been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended).

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

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

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 16 Memorial Avenue, Merrylands or online at: [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 7.11 Development Contributions.

**4. Auburn DCP 2007: Section 7.11 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 7.11 Development Contribution Plan 2007, which has been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended).

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

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

A sum of \$ **918818.85** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$225372.23
Public Domain	\$498453.68

Accessibility and Traffic	\$137383.33
Administration	\$52695.61
Employment Generating Development	\$4914.00
<b>TOTAL</b>	<b>\$918,818.85</b>

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 16 Memorial Avenue, Merrylands or online at: [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 7.11 Development Contributions.

#### 5. **Compliance with submitted Acoustic Report**

All noise control measures specified in the acoustic assessment report prepared by **Acoustic Logic reference number 20170376.1/3103A/R0/EC dated 31/03/17** 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.

In addition, in accordance with the supplementary advice provided by Acoustic Logic dated 6/12/2017, a Mechanical Noise Assessment and Construction Noise Management Plan shall be undertaken by a qualified acoustic consultant **prior to the issue of a Construction Certificate**.

Reason:- to ensure noise control measures are installed into the development.

#### 6. **Future use of commercial tenancies**

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 capable of supporting food premises.

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

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 - 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

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

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

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

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**8. Hazardous Material Survey report**

Prior to demolition, a Hazardous Material Survey is required to be undertaken by an Occupational Hygienist. A copy of the report is required to be submitted to Cumberland Council for assessment and comment.

Reason:- to ensure Council is informed of the site conditions associated with the development.

**9. Discovery of additional information during site, demolition or construction**

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

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

**10. Off-site soil disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

**11. External walls and cladding flammability**

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:-

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (a) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason:- to ensure compliance with the requirements of the National Construction Code.

**12. Tree removal and retention**

*Existing trees on site:*

Approval is given for the removal of the following existing trees on site as identified in Redgum Horticultural Aboricultural Impact Assessment Report dated 22 March 2017.

Refer to site map Appendix E – Site Plan A – Survey of Subject Trees

- 4 Melaleuca quinquinervia
- 5 Melaleuca linarifolia
- 6 Leptospermum petersonii

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- 7 Jacaranda mimosifolia
  - 8 Agonis flexuosa
  - 9 Melaleuca linarifolia
  - 10 Morus alba

The following trees are located on the neighbouring property and shall be protected in accordance with Appendix F – Site Plan B Survey of Trees to be retained and Tree Protection Plan and AS4979 2009 Protection of Trees on Development Sites.

- 1 Fraxinus oxycarpa
- 1 Jacaranda mimosifolia
- 2 Cupressus semperivirens 'Stricta'
- 11 Callistemon viminalis
- 12 Melaleuca linarifolia
- 13 Photinia glabra 'Robusta'
- 14 Pittosorum undulatum

Alternately the Developer may approach the adjacent Landowner and obtain written consent for the Removal of Trees no. 3, 11, 12, 13 & 14 subject to suitable tree replacements on neighbouring property.

**Trees no. 1 & 2 to be protected for duration of construction works.**

Reason:- to ensure the protection and preservation of trees in accordance with the Redgum Horticultural Aboricultural Impact Assessment Report.

**13. Street Trees Planting**

In order that Street Trees can establish a full height, existing power lines shall be placed underground along the street frontage in Marsden Street.

The following street tree species outlined below shall be planted by the applicant along the Marsden Street frontage. Any costs associated with this work shall be borne by the applicant.

*a) Marsden Street – Lagerstroemia "Natchez"*

*Street trees shall be planted abutting the back of the kerb and in accordance with Auburn Street Tree Masterplan.*

*Pot size minimum 45 Litres*

*b) Approval is given for planting Tristaniopsis laurina "Luscious" along Mark Street*

*Pot size 75L*

The applicant shall be responsible for co-ordination with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate and shall be maintained for a minimum 12 month period.

Reason:- to ensure planting and ongoing maintenance of street trees occurs to Council's satisfaction.

**14. Storage requirements within apartment units and basement**

Suitable provision of storage areas shall be provided for each apartment unit in accordance with

Part 4G of the ADG as follows:

Dwelling type	Storage size volume
1 Bedroom apartment	6m3
2 Bedroom apartment	8m3
3 Bedroom apartment	10m3

Storage areas shall be provided within the basement level at the rear or side of car spaces where possible and at least 50% of the required storage is also to be located within the apartment.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

Reason:- to ensure adequate storage is being provided for each apartment unit.

15. **Adaptable units and Livable Housing Guidelines Silver Level Universal Design Features**

- a) A minimum of 18 apartments are required to be designated a adaptable units.
- b) A minimum of 20% of the total units (i.e. 35 units) are required to be capable of being redesigned to meet the Universal Design requirements of Part 4Q of the ADG.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

Reason:- to ensure compliance with the ADG and Council requirements.

16. **Groundwater impact and management report**

In the event that the basement levels to be constructed are located below the groundwater table, a groundwater impact and management report to manage the construction activities on site is required to be prepared by a suitably qualified consultant and submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

In addition, should dewatering of the site be required, the onus is on the developer to:

- a) Undertake the necessary site investigations prior to construction;
- a) Prove that a water table is present or absent;
- b) Assess the feasibility of alternative construction methods;
- c) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- d) Design an appropriate and safe dewatering system;
- e) Apply for a dewatering licence,
- f) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- g) Design and implement a monitoring program;
- h) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- i) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

Reason:- to ensure compliance with Council's Development Control Plan 2011 and ensure appropriate licensing is obtained prior to dewatering process being carried out on site to control groundwater.

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**17. Submission of Construction Certificate**

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

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended) and clause 142 of the Environmental Planning and Assessment Regulation 2000.

**18. Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

**19. No alteration without prior Council approval**

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

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

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

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
  - i) appointed a principal certifying authority for the building work, and
  - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-
  - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the

building work, and

- b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-
- i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii) notified the principal certifying authority of any such appointment, and
  - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended).

## 21. **Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
- 1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- 2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- 3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
  - a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
  - b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
  - c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
  - d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
  - e) that any preconditions required by a development consent or complying

development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.

- 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended).

22. **Provision of Street Numbers**

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

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

23. **Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

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

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

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

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

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

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

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

25. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building)

Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the **construction certificate**.

Reason: to ensure compliance with the requirements of the Building Code of Australia

26. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992

27. **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended) and clause 162 of the Environmental Planning and Assessment Regulation.

28. **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason:- to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

29. **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

30. **BASIX Requirements**

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

- a) Relevant BASIX Certification means:-
  - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
  - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

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

31. **Construction/Demolition Hours**

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

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757 9000 during office hours or 0417-287-113 outside office hours".

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

32. **Demolition Hours**

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

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state

the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757 9000 during office hours or 0417-287-113 outside office hours".

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

### 33. **Demolition of buildings**

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

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

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

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

### 34. **Fencing of demolition sites – Rental of road reserve/footpath area**

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

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

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

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

**NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to make application to Council for rental of the road reserve/footpath area BEFORE the fence/hoarding is erected.**

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

### 35. **Demolition - Lead Management Work Plan**

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

nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-

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

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

36. **Demolition – Lead Paint Disposal**

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

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

37. **Demolition – common sewerage system**

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

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

38. **Demolisher Details**

The demolisher/owner/applicant shall:-

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

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

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

39. **Demolition Works – noise and vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

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

40. **Asbestos**

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

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

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and

Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

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

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

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

41. **Services to be capped**

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

Reason:- to ensure all services are capped adequately.

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

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

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

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

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

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

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

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

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- d) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
- e) Method of protecting window/door openings as required by BCA Part 3.
- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height

clearances specified by AS 2890.1 – Car parking, will be achieved).

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

45. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

46. **Maintain plans on-site**

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

47. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

48. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

49. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

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**50. Survey Report**

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

*(Setbacks and levels at commencement – new dwellings)*

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

*(Setbacks and levels at completion – new dwellings)*

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

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

**51. Fencing of Construction Sites – Rental details to be provided to the PCA**

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

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

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

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

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

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

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

**52. Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **Failure to do so may result in the issue of penalty infringement notices.**

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

53. **Display of a warning sign for soil and water management**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

54. **Engineering Design – Basement Excavation**

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

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

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

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

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

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

#### 55. **Excavations extending below the base of footings of adjoining development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

#### 56. **Dilapidation Report - Prior to Excavation of Basement**

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

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

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

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided **prior to the commencement of demolition, excavation or building works** certifying that the demolition, excavation and or building works will not have an impact on **any** adjoining structure including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways*

etc.).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

57. **Footpath area to be illuminated**

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

Reason:- to ensure the safety of pedestrians when passing the site.

58. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and signed by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

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

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

Note: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and

located within 3.6 metres of the street alignment.

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

*Reason:* to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

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

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

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

60. **Disposal of Site Water**

**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.

61. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

*Reason:-* to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

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

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

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

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the

potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

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

63. **Reinstatement of footpath and footpath crossing**

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

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

64. **Vehicle Driveway Crossings and Gutter Laybacks**

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

65. **Carrying capacity of driveways – Heavy duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

66. **Street boundary levels**

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

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

67. **Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit

shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

68. **Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

69. **Stormwater disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Council's pipe system in Mark Street as per stormwater plan approved as part of the deferred commencement condition.

Reason:- to prevent localised flooding

70.

**On street drainage design**

**Prior to the issue of any Construction Certificate** a detail design for the proposed connection to existing Council stormwater pipe shall be submitted and approved by Cumberland **Council's Manager Technical Assessments**. In this regard,

- a) A longitudinal section, of the proposed pipe within the road reserve, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- a) Exact invert level of the pipe shall be determined and annotated on the plan. Service search details shall be submitted.
- b) A butterfly grated pit shall be constructed at the kerb.

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

71. **On street drainage construction**

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

- a) Inspections **will be required** for the works related to the proposed connection to Council's stormwater drainage system at following stages:
  - i) After the excavation of pipeline trenches.
  - i) After the laying of all pipes prior to backfilling.
  - ii) After the completion of all pits and connection points.
- a) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- b) Work is not to proceed until the works are inspected and approved by Council.

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

72.

**Submission of full stormwater disposal details**

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

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater plans **SW010, SW020, SW021 and SW030 issue B dated 30. 01. 2018 prepared by Mance Arraj including amendments marked in red on the plans.**
- i. Emergency overflow outlet shall be provided in the overflow pit.
- ii. Proposed kerb inlet pit shall be minimum 1.2m clear of the driveways. In this regard Stormwater pit shall be modified as grated surface inlet pit within the subject development frontage.
- iii. All access grates to the detention facility shall be double (2/900x450) hinged grates.
- iv. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- v. Dry platform and weephole details shall be clearly shown on the plan
- vi. A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.

Reason:- to ensure the stormwater is suitably discharged.

**73. Structural Engineering Certificate**

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

Reason:- to ensure the construction is structurally adequate.

**74. Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason:- to ensure the water reuse facilities within the development are constructed and maintained in good working order.

**75. Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with "Auburn Development Control Plans 2000 - Stormwater Drainage". Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

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

Note:

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

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

76. **Maintenance schedule – OSD**

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

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

77. **Annual maintenance inspection of OSD**

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

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

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

78. **Engineer Certificate for pump**

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

Reason:- to ensure the system has been constructed Council's standards and specifications.

79. **Basement drainage system**

Basement drainage is to comply with "Auburn development control plans 2010 stormwater drainage". In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis a hundred year storm recurrence interval and a storm duration of 5 (five) minute one pump acting in reserve capacity.
- a) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.

- b) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration ninety minutes. In addition to this an above ground storage shall be provided up to the hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- c) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within the period.
- d) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

#### 80. **Footpath Construction – Mark Street**

The footpath adjoining the Mark Street frontage shall be reconstructed in concrete unit paving in accordance with the **Council's Town Centres Infrastructure Manual specifications**. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

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

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

#### 81. **Footpath Construction – Marsden Street**

The footpath adjoining the Marsden Street frontage shall be reconstructed in concrete unit paving in accordance with the **Council's Town Centres Infrastructure Manual specifications**. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

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

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

## 82. Works-as-Executed Plan – Drainage Plans

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

- i) Whether all works have been completed generally with the approved drainage plans.
- ii) Any departure from the approved plan and conditions.
- iii) Any additional work that has been undertaken.
- iv) Location, levels and sizes of pipes and pits.
- v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- vi) Basement pump out volumes.

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

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the "Auburn development control plans 2000 stormwater drainage" shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

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

## 83. Redundant driveway

**Prior to the issue of any Occupation Certificate**, redundant driveway shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

Arrangements shall be made with Council's Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure Council's assets are restored in accordance with Council's standard.

84. **Works within Council controlled lands**

(1) For drainage works:

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

Inspections will be required:-

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

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

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

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

85. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Zhinar Architects and endorsed plan tiled Basement Plan 1 to Basement Plan 5, Drawing No's DA-B05A to DA-B:08, Revision B dated 29/01/2018, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

86. **Car Parking Allocation within Development**

A plan shall be provided as part of the Construction Certificate documentation indicating the location of car parking spaces and their allocation to individual units within the development. In this regard, a minimum of 434 car parking spaces are to be provided within the development as follows:

- a) Minimum 401 Residential spaces; including disabled spaces
- b) Minimum 12 visitor spaces; including disabled spaces
- c) Minimum 21 commercial/retail spaces

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

87. **Signs for visitor and employee parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor

parking within the property. All visitor and employee parking spaces shall be clearly signmarked.

Reason:- to delineate the spaces suitable for visitor and employee parking.

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

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

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

89. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

90. **Loading and Unloading of Vehicles**

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

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

91. **Protective bar to vehicular entry**

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

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

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

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

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

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

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

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

94. **Car Parking Spaces – Restrictive Covenant**

The following shall be complied with:-

- a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.
- b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended) 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.

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

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

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

96. **Traffic Management**

A traffic management plan prepared by a suitably qualified person shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development **prior to commencement of any work within the subject development site.**

Reason:- to minimise the impact on local road network.

97. **Headroom clearance – Loading area**

The headroom clearance for the loading area shall comply with Australian standard AS2890.2. In this regard, minimum 4.5m headroom shall be provided in the loading areas and associated turning areas.

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

Reason:- to ensure headroom clearance complies with Australian Standard AS 2890.2 and Councils DCP.

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

The headroom clearance within the basement shall comply with the usage. In this regard,

minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

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

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

99. **Ramp gradients**

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

Copy of the approved plan shall be submitted to Council.

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

100. **Service relocation / Adjustment**

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

All the costs shall be borne by the applicant.

Reason:- to protect utility services.

101. **Surface runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

Reason:- to prevent adverse impact on adjoining properties.

102. **Splay**

A 2.5m splay shall be provided Mark Street and Marsden Street corner. No structures including basements shall be located within the splay area. In this regard,

- a) **Prior to the issue of any Construction Certificate** detail plan showing compliance of above requirements shall be submitted to an approved by Principal Certifying Authority.
- b) **Prior to the issue of any Occupation Certificate** splay shall be dedicated to Council and registered with Land and Property Information (LPI) at no cost to Council. Copy of the LPI approved land dedication of the splay area shall be submitted to Council.

Reason:- to ensure splay area is clear of any structure and dedicated to Council.

103. **Sediment control**

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

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

#### 104. **Arrangements for Water and Sewer Services**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

**Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.**

Following application a "Notice of Requirements" will detail water and sewer extensions to be built or charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to release of the final plan of subdivision or occupation of the development.**

Reason:- to ensure that adequate water and sewer services can be provided to the site.

#### 105. **Sydney Water Approval**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

#### 106. **Aboveground Power Lines**

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to

place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason:- to improve the aesthetic quality of the area.

107. **Materials and Finishes**

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:-

- a) Quality and durable materials are to be used throughout the development.
- b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

Reason:- to ensure a high quality appearance to all materials within the development.

108. **SEPP 65 – Design Verification**

The following requirements arising from State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings must be complied with:-

- a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason:- to ensure that the requirements of SEPP No. 65 and the EP&A Regulations are complied with in the carrying out of the development.

109. **Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

Reason:- to ensure Council is aware and kept informed of the current project architect.

110. **Underside of balconies**

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

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

111. **Reflectivity Index of Glazing**

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

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

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

#### 112. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

Reason:- to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

#### 113. **Side/Rear Boundary Fencing**

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

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

#### 114. **Fencing/gates and adjoining land**

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason:- to ensure the fence/gates do not restrict access and that encroachments do not occur.

#### 115. **Telecommunications Facilities - Residential**

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

- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979 (as amended).
- 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.

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

116. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

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

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

117. **Commemorative plaque**

A commemorative plaque is required to be installed in accordance with the following:

- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
- (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted **for the approval of Council** prior to issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended).
- (c) The approved plaque must be installed prior to the issue of any Occupation Certificate.

Reason: to provide information regarding the proposed development to future generations.

118. **Mail Box Structure**

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

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

119. **Suitable arrangements to be made for garbage and recycling services**

**able 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.

120. **Display of Waste Management Plan – Ongoing use**

The occupant/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure, visible and

accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

Reason:- to ensure waste is properly managed by occupants of the building.

#### 121. **Ongoing Waste Management**

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:-

- a) Appropriate waste management practices are to be adopted within the development at all times.
- b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
- c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.
- d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
- e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

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

#### 122. **Waste and recyclables storage area:**

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

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

#### 123. **Removal of litter and graffiti:**

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

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

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

#### 124. **CCTV Camera System**

The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The

surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

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

**125. Target hardening strategies to reduce crime**

The following target hardening strategies shall be undertaken on site to assist in the reduction of crime in the locality:-

- a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime.
- b) Warning signs strategically posted in and around the premises to warn intruders of the security measures.
- c) Additional lightning be installed in and around the premises to act as a deterrent for crime. The lighting shall be installed in accordance with the Australian Standards 1158.3 1999.

The details shall be shown in the construction plans for approval by Council or the Accredited Certifier prior to the issue of a Construction Certificate.

Reason:- to reduce the incidence of late night crime in the locality and to improve public safety late at night.

**126. No roller shutters**

No roller shutters are to be erected either externally or internally to the shop front. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

Reason:- to protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises.

**127. Washing of vehicles – further approval**

No washing of vehicles shall be carried out at the premises without a further development application being submitted to and approved by Council for this purpose.

Reason:- to ensure further approval is obtained for the washing of vehicles at the premises.

**128. Noise and Vibration**

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

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

tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

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

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

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

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.
- b) The operation of air conditioning units shall be so:
  - (i) as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
  - (ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
  - (iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.
- c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

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

130. **Odour**

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

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

131. **Water Pollution**

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Reason:- to protect waterways and stormwater systems from pollution.

132. **Separate development application for use**

A separate development application for any proposed use must be submitted for the approval of Council prior to any fitout or use.

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Reason: To ensure that any proposed use has Council consent.

133. **Subdivision development application requirements**

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

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

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

134. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule**, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES:

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
  - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is , or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

### 135. **Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an **annual fire safety statement**, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

- a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

#### NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-
  - i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

### 136. **Fire Safety Notices**

**fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of “Offences relating to fire exits”. The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.**

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment

Regulation 2000 and the BCA.

137. **Submission of Works-as-Executed Fire Services Plan**

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

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

138. **Occupation Certificate**

A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).