

CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-382/2017
Property: 1A & 1B Queen Street, AUBURN NSW 2144
Description: Demolition of structures and construction of 12 residential apartment buildings, being part 3, part 6 and part 8 storey buildings containing 595 residential apartments including basement parking, landscaping, stormwater, public domain works and subdivision - Integrated Development (Water Management Act 2000)

1. Approved Plans

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Demolition Staging – DRWG No. DA1002	AJ+C	1	02/02/2018
Construction Staging DRWG No. DA2011	-	-	-
Landscape Sections Key Plan	AJ+C	-	23/02/2018
Car Park Ramp A DRWG No. DA2012	AJ+C	-	16/03/2018
DRWG No. DA2013	AJ+C	2	13/03/2018
DRWG No. DA2014	AJ+C	2	13/03/2018
DRWG No. DA2015	AJ+C	2	13/03/2018
DRWG No. DA2016	AJ+C	2	13/03/2018
DRWG No. DA2017	AJ+C	2	13/03/2018
DRWG No. DA2018	AJ+C	2	13/03/2018
DRWG No. DA2019	AJ+C	2	13/03/2018
DRWG No. DA2100	AJ+C	2	13/03/2018
DRWG No. DA2101	AJ+C	2	13/03/2018
DRWG No. DA2102	AJ+C	2	13/03/2018
DRWG No. DA2103	AJ+C	2	13/03/2018
DRWG No. DA2104	AJ+C	2	13/03/2018
DRWG No. DA2105	AJ+C	2	13/03/2018
DRWG No. DA2106	AJ+C	2	13/03/2018
DRWG No. DA2107	AJ+C	2	13/03/2018
DRWG No. DA2108	AJ+C	2	13/03/2018
DRWG No. DA2110	AJ+C	1	13/03/2018
DRWG No. DA2111	AJ+C	1	13/03/2018
DRWG No. DA2112	AJ+C	1	13/03/2018
DRWG No. DA2113	AJ+C	1	13/03/2018
DRWG No. DA2114	AJ+C	1	13/03/2018
DRWG No. DA2115	AJ+C	1	13/03/2018
DRWG No. DA2116	AJ+C	1	13/03/2018
DRWG No. DA2117	AJ+C	1	13/03/2018

DRWG No. DA2118	AJ+C	1	13/03/2018
DRWG No. DA2120	AJ+C	1	13/03/2018
DRWG No. DA2121	AJ+C	1	13/03/2018
DRWG No. DA2122	AJ+C	1	13/03/2018
DRWG No. DA2123	AJ+C	1	13/03/2018
DRWG No. DA2124	AJ+C	1	13/03/2018
DRWG No. DA2125	AJ+C	1	13/03/2018
DRWG No. DA2126	AJ+C	1	13/03/2018
DRWG No. DA2127	AJ+C	1	13/03/2018
DRWG No. DA2128	AJ+C	1	13/03/2018
DRWG No. DA3100	AJ+C	2	13/03/2018
DRWG No. DA3101	AJ+C	2	13/03/2018
DRWG No. DA3102	AJ+C	2	13/03/2018
DRWG No. DA3103	AJ+C	2	13/03/2018
DRWG No. DA3104	AJ+C	2	13/03/2018
DRWG No. DA3105	AJ+C	2	13/03/2018
DRWG No. DA3106	AJ+C	2	13/03/2018
DRWG No. DA3107	AJ+C	2	13/03/2018
DRWG No. DA3108	AJ+C	2	13/03/2018
DRWG No. DA3109	AJ+C	2	13/03/2018
DRWG No. DA3110	AJ+C	2	13/03/2018
DRWG No. DA3111	AJ+C	2	13/03/2018
DRWG No. DA3112	AJ+C	2	13/03/2018
DRWG No. DA3113	AJ+C	2	13/03/2018
DRWG No. DA3114	AJ+C	2	13/03/2018
DRWG No. DA3200	AJ+C	2	13/03/2018
DRWG No. DA5100	AJ+C	1	08/09/2017
DRWG No. L-000	Oculus	F	13/03/2018
DRWG No. L-010	Oculus	D	13/03/2018
DRWG No. L-100	Oculus	F	13/03/2018
DRWG No. L-101	Oculus	F	13/03/2018
Private Space Interface – Queen Street	Oculus	B	13/03/2018
Private Space Interface – Railway	Oculus	B	13/03/2018
DRWG No. L-200	Oculus	F	13/03/2018
Public Spaces - Passive	Oculus	B	13/03/2018
DRWG No. L-201SK	Oculus	E	13/03/2018
Public Spaces - Play	Oculus	B	13/03/2018
DRWG No. L-202	Oculus	E	13/03/2018
DRWG No. L-300	Oculus	E	13/03/2018
DRWG No. L-301	Oculus	E	13/03/2018
DRWG No. L-302	Oculus	F	13/03/2018
DRWG No. L-401	Oculus	G	20/07/2018
DRWG No. L-402	Oculus	E	13/03/2018
DRWG No. L-403	Oculus	F	13/03/2018
DRWG No. L-404	Oculus	D	13/03/2018
DRWG No. L-500	Oculus	D	13/03/2018
DRWG No. L-600	Oculus	D	13/03/2018
DRWG No. SW.00	James Taylor & Associates	B	09/03/2018

DRWG No. SW.01	James Taylor & Associates	A	09/03/2018
DRWG No. SW.02	James Taylor & Associates	B	09/03/2018
DRWG No. SW.03	James Taylor & Associates	B	09/03/2018
DRWG No. SW.04	James Taylor & Associates	B	09/03/2018
DRWG No. SW.05	James Taylor & Associates	B	09/03/2018
DRWG No. SW.06	James Taylor & Associates	B	09/03/2018
DRWG No. SW.11	James Taylor & Associates	B	09/03/2018
DRWG No. SW.12	James Taylor & Associates	B	09/03/2018
DRWG No. SW.13	James Taylor & Associates	B	09/03/2018
DRWG No. SW.14	James Taylor & Associates	A	09/03/2018
DRWG No. SW.15	James Taylor & Associates	A	09/03/2018
DRWG No. SW.16	James Taylor & Associates	A	09/03/2018
DRWG No. SW.17	James Taylor & Associates	B	09/03/2018
DRWG No. SW.18	James Taylor & Associates	B	09/03/2018
DRWG No. SW.21	James Taylor & Associates	B	09/03/2018
DRWG No. SW.22	James Taylor & Associates	B	09/03/2018
DRWG No. SW.23	James Taylor & Associates	B	09/03/2018
DRWG No. SW.40	James Taylor & Associates	B	09/03/2018
Titling Concept Plan	LTS	3	23/07/2018
Overall Lots 20 & 21	LTS	A	24/07/2018
Basement 01 and Below Lots 20 & 21	LTS	A	24/07/2018
Ground Level and Above Lots 20 & 21	LTS	A	24/07/2018
Overall Lots 32 & 33	LTS	A	24/07/2018
Basement 01 and Below Lots 32 & 33	LTS	A	24/07/2018
Ground Level and Above Lots 32 & 33	LTS	A	24/07/2018
Detailed Site Investigation	DLA Environmental Services	-	August 2017
Remedial Action Plan	Trace Environmental	0	5 March 2018

Waste Management Plan	Elephants Foot	B	24/08/2017
Rail Noise & Vibration Intrusion Assessment	Acoustic Dynamics	3	05/09/2017
Acoustic Assessment & Advice – Supplementary Letter	Acoustic Dynamics	3	01/09/2017
Arboricultural Impact Appraisal and Method Statement <i>Note: Tree Removal Approval as per DRWG No. L-401 Rev G dated 20.07.2018</i>	Naturally Trees	-	07/09/2017
BASIX Certificate Number (Certificate Number 855150M_03	Eco Certificates P/L	-	23 July 2018

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 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. **Staging of Demolition works**

The demolition shall be completed in accordance with the approved Demolition Staging, prepared by AJ+C as listed within Condition No.1 from the date of this development consent. All associated demolition conditions will apply to each stage individually.

Reason:- To confirm and clarify the terms of this development consent.

4. **Staging of Construction works**

The development shall be completed in three stages in accordance with the approved Staging Plan, as listed within Condition No.1 from the date of this development consent.

Reason:- To confirm and clarify the terms of this development consent.

5. **Staging requirements**

Unless otherwise specified, the conditions contained within this development consent notice apply separately and individually to each and every stage of the development. In this regard, all site preparation works (including remediation and civil works), landscaping and the construction of the basement level (associated with each stage) are to be completed in accordance with the approved Staging Plan.

For the avoidance of doubt, the following works are to be provided for each stage;

Stage 1:

- Excavation and construction of the basement level associated with stage 1 works;
- Construction of Buildings A1, A2, A3 and A4;
- Construction of the Pocket Park associated with stage 1 works;
- Construction of site access way.

Stage 2:

- Excavation and construction of the basement level associated with stage 2 works;
- Construction of Buildings B1, B2, B3 and B4;
- Construction of the Pocket Park associated with stage 2 works;
- Construction of site access way.

Stage 3:

- Excavation and construction of the basement level associated with stage 3 works;
- Construction of Buildings C1, C2, C3 and C4;
- Construction of the Pocket Park associated with stage 3 works.

Note: All relevant measures should be undertaken to protect the amenity and structural stability of each previous stage once constructed.

Reason:- to ensure essential services and facilities are available to the site to facilitate subsequent stages.

6. Carrying out of Intersection Works and Dedication of Land

Prior to the release of any construction certificate for the development on the development site or any subdivision certificate for any subdivision of the development site, the following is to occur;

- Carrying out of Intersection works; and
- Dedication of land

In accordance with the Voluntary Planning Agreement executed on 6 March 2017.

Reason:- to ensure the works associated with the VPA is undertaken within the agreed timeframes.

7. Design of roundabout at the intersection of Louisa Street and Queen Street

Prior to commencement of the construction of the roundabout, detail design of footpath kerb and gutter and proposed roundabout at the intersection of the Queen Street and Louisa Street and shall be submitted to and approved by the Cumberland Council's Manager Engineering and Traffic. In this regard,

- a) Detail design of roads including kerb & gutter and footpath, setting out plans, signposting and design contour plans and street lighting plans shall be submitted for assessment.
- a) Detail design of the stormwater design associated with roundabout shall be submitted.
- b) Detail service search shall be carried out. Depth and location of the services shall be annotated on the plan.
- c) Copy of the service search details shall be submitted.
- d) Cost of any service relocation shall be submitted.
- e) Construction methodology and construction programme shall be submitted.
- f) Signposting and line marking plans shall be submitted to and approved by Council's Local traffic committee.
- g) Written approval from relevant authorities' shall be obtained for the street lighting upgrade at the intersection and other required service adjustments.
- h) All the dimensions shall be marked on the plans.
- i) All the costs shall be borne by the applicant.

Advisory Note: The roundabout design requires Cumberland Traffic Committee and Elected Council approval. This process may take more than 6 Months.

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

8. **Construction of the roundabout at the intersection of Louisa Street and Queen Street**

Prior to the issue of any Occupation Certificate, a clearance letter shall be obtained from Cumberland Council's Manager Engineering and Traffic for following:

- a) Construction of the roundabout at the intersection of Louisa Street and Queen Street and associated works has been completed to the satisfaction of Council.
- b) Stormwater works associated with the roundabout construction have been completed to Council's satisfaction.
- c) All the cost associated with the construction of roundabout including any service adjustments and street lighting have borne by the applicant.
- d) All associated inspections have been carried out by Cumberland Council.

Reason:- to ensure construction works have been completed to Council's satisfaction.

9. **Median Island - Queen Street**

Prior to the issue of **the relevant** Construction Certificate, a centre median along Queen Street, in areas in front of the proposed access driveways, shall be constructed by the applicant at no cost to Council. In this regard,

- A detailed plan shall be submitted to Council for assessment and approval.
- All associated cost shall be borne by the applicant.
- All construction inspection shall be carried out by Council.

Reason:- To ensure that the development facilitates no delays to through traffic

10. Street works and ATC Approval

Prior to the issue of **the relevant** Occupation Certificate, a detailed plan for the proposed works on street including centre median, pavement marking and signage shall be submitted to Council for Auburn Traffic Committee for approval.

Reason:- to comply with the regulatory requirements

11. Parking layout design

Prior to the issue of any Construction Certificate amended plan addressing following shall be submitted to and approved by Cumberland Council's Manager Technical Assessment.

Traffic/Parking

- a) Visitor parking spaces shall be annotated on the plan. Width of the visitor parking spaces shall be minimum 2.6m. Turning area shall be provided in accordance with Australian standard requirements, if visitor parking spaces located in the blind aisles.
- b) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the site enters into the basement. The crest shall be minimum 100mm above the adjacent top of kerb level. Detail longitudinal section of the access ramp shall be provided.
- c) Minimum 2.2m headroom clearance shall be provided for the car park. Head room shall be measured perpendicular to the wheelbase as shown on the Figure 5.3 of AS 2890.1. Head room details shall be marked on the plan. In this regard, detail longitudinal sections of the access ramps along both internal and external curves of the ramp to a scale of 1:20 shall be submitted.
- d) Curved roadways/ramps shall comply with the Section 2.5 of the Australian standard AS2890.1. In this regard,
 - i. Ramp widths shall comply with Table 2.2 of the Australian standard AS2890.1.
 - ii. A separator or median shall be provided in the curved roadway/ramp where radius of outer curve is less than 15m.
- e) Parking space layout and ramp gradients shall comply with Australian standard AS2890.1, AS2890.2 and AS2890.6.
- f) The intersection of the basement aisles and the access ramps shall be designed such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c). In this regard swept path analysis shall be provided.
- g) Substations shall be clear of sight lines for pedestrian safety.
- h) Width of the two-way access ramp shall be minimum 6.1m. All the necessary dimensions shall be annotated on the plan.
- i) Details of the roller door or any access controls shall be provided in order to ensure adequate queuing area is provided within the site in accordance with Australian standard AS2890.1.
- j) Draft construction traffic management plan shall be submitted.

Waste

- k) Plan shows only one waste collection point within the site. In this regard details of waste collection arrangement shall be provided.
- l) Detail calculations shall be provided to show that adequate storage area has been provided.

- m) Waste truck swept path shall be designed for a medium rigid truck. Waste truck and delivery truck shall enter and leave the site in a forward direction. In this regard detail swept path analysis shall be provided.
- n) Waste collection access ramp gradient and transitions shall comply with Australian standard AS2890.2.
- o) Width of the access ramp/circulation aisle shall be designed in such a way that a car and a medium rigid truck can pass each other along the circulation aisle.

Reason:- to ensure the parking layout and waste collection areas comply with the relevant statutory standards.

12. **Amended drainage plans**

Prior to the issue of any Construction Certificate, amended stormwater plans addressing following shall be submitted to and approved by Cumberland Council's Manager Technical Assessment:

- a) Onsite stormwater detention tank shall be located outside the building floor areas.
- b) 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".
- c) Stormwater runoff from the manoeuvring area including access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- d) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the site enters into the basement. The crest shall be minimum 100mm above the adjacent top of kerb level.

Reason:- to ensure stormwater disposal comply with Council's DCP.

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

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

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

Reference is made to the Voluntary Planning Agreement entered into between AET Ltd ATF Auburn Ownership Trust c/- EG Funds Management and Cumberland Council dated 6 March 2017.

In accordance with Section 15 of this agreement, the developer is to be given a credit of fifteen percent (15%) of the total development contributions payable. In this regard a credit of **\$525,396.13** is available for the subject development.

A sum of **\$2,977,244.77** (inclusive of the credit) is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from

employment generating development within the Cumberland LGA.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$863,755.83
Public Domain	\$1,910,362.09
Accessibility and Traffic	\$526,537.69
Administration	\$201,985.28
Less 15%	- \$525,396.13
TOTAL	\$2,977,244.77

The credit is to be applied for the first stage of the development.

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 for each stage of the development as outlined in the payment schedule below

Stage	Section 7.11 Payable
1	\$1,132,086.70 - \$525,396.13 \$606,690.57
2	\$1,185,277.10
3	\$1,185,277.10
Total	\$2,977,244.77

Reason:- to assist in the provision of additional services and public facilities that is likely to generate from employment generating development with the Cumberland LGA.

14. **Public Parks and Through Site Link**

The Public Parks and through site link as identified within the architectural and landscaping plans are to be made publicly accessible at all times. In this regard, no restrictive structure should be constructed to restrict access to these areas. Suitable security measures to mitigate crime and increase safety to these areas however are encouraged.

Reason:- to ensure public access is maintained to these spaces at all times.

15. **Ownership and Maintenance of Public and Communal Open Space**

The associated owners corporation of each stage will own and maintain public and communal open space and associated infrastructure servicing the proposed development.

Reason:- to ensure compliance with the Auburn Development Control Plan 2010.

16. **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.

17. **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.

18. **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.

19. **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.

20. **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.

21. **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.

22. **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.

23. **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.

24. **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.

25. **Tree Retention**

All reasonable measures shall be undertaken to ensure that the existing trees on the site, and including street trees adjacent to the site, (other than any tree approved for removal by Council) are not damaged during the approved demolition works.

Reason: to protect trees in accordance with Council's Development Control Plan.

26. **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.

27. **Ausgrid – General Requirements**

Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1– 'Premise Connection Requirements.

Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in Queen and Marion Street. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia –Excavation Code of Practice and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are existing electricity substation assets at Queen Street (S1544).

There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must be minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment. The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0Hz–3kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

For Activities Within or Near to the Electricity Easement:

Purpose Of Easement

This easement was acquired for the 33,000 volt transmission assets currently owned

and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities over or near the transmission cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

1. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
2. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
3. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
4. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
5. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground.
6. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
7. No machine excavation is permitted within the easement without Ausgrid's express permission.
8. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
9. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
10. The proposed finished ground levels within the easement must provide a minimum of 750mm cover to the Transmission Cables.
11. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.

Reason:- to advise the applicant of Ausgrid requirements and satisfy the provisions of the State Environmental Planning Policy (Infrastructure) 2007

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
4. WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
5. If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

Reason:- to comply with the Water Management Act 2000 and ensure WaterNSW General Terms of Approval are adhered too.

29. **Roads and Maritime Services – General Requirements**

Roads and Maritime has reviewed the proposed development and has no objections, subject to Council's approval and the following included in the conditions of consent:

1. The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
2. Sight distances from the proposed vehicular crossing to vehicles on **Queen Street** are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

3. All vehicles are to enter and exit the site in a forward direction.
4. All vehicles are to be wholly contained on site before being required to stop.
5. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
6. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

Reason:- to satisfy the provisions of the State Environmental Planning Policy (Infrastructure) 2007

30. **Sydney Trains – General Requirements**

Sydney Trains has decided to grant its concurrence to the development proposed in development application **DA-382/2017** subject to Council imposing the operational conditions listed in Attachment A and Attachment B (as written) that will need to be complied with.

Attachment A

A1. Lodgment of development application in accordance with the Stormwater Management Report and Plans SW.00 Rev B, SW.01 Rev A, SW.02 Rev B, SW.03 Rev B, SW.04 Rev B, SW.05 Rev B, SW.06 Rev B, SW.11 Rev B, SW.12 Rev B, SW.13 Rev B, SW.14 Rev A, SW.15 Rev A, SW.16 Rev A, SW.17 Rev B, SW.18 Rev B, SW.21 Rev B, SW.22 Rev B, SW.23 Rev B, SW.40 Rev B, prepared by James Taylor and Associates dated 09.03.2018; and Drawings DA2011, DA2012, DA3100, DA3101, DA3102, DA3103, DA3104, DA3105, DA3106, DA3107, DA3108, DA3109, DA3110, DA3111, DA3112, DA3113, DA3114 Issue 2 prepared by Allen Jack and Cottier dated February and March 2018.

A2. Prior to the issue of an Occupational Certificate, the applicant is to consult with and obtain written confirmation from Sydney Trains, and documentation of registration of the Easement on Title as agreed upon for the provision of a Right of Carriageway Easement under c88B of the Conveyancing Act 1919, as part of the proposed development to allow for continued access to Rail Corp owned lands for emergency and maintenance purposes.

A3. Adherence to all relevant Transport Asset Standard Authority (Transport ASA) standards and Australian Standards (in particular, but not limited to, the access road and gates for Sydney Trains in relation to Item 2 above).

A4. The applicant shall not at any stage block the agreed upon route for access to the rail corridor from Queen Street as per the agreement proposed for a Right of Carriageway Easement, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

A5. Prior to commencement of works the applicant is to consult with Sydney Trains and include in their work plans an agreed upon access for Sydney Trains during all stages of the works proposed to ensure easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

A6. The applicant is to provide Sydney Trains with confirmation from Council that Council will maintain the existing and any new connections for stormwater from the proposed development site across Rail Corp owned land to the existing Council stormwater pipeline as part of the existing Deed for Stormwater Management.

A7. Prior to commencement of works on RailCorp owned land, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. In the event rail services are identified within the subjects development site or within close proximity to the subject development site, the Applicant must discuss with Sydney Trains as to whether these services could be affected by the works proposed, or if they are to be relocated or incorporated within the development site.

A8. Given the proximity of the existing water and hydrant services to the rail corridor boundary, prior to the undertaking of any works, a disconnection and reconnection works methodology and works programme is to be submitted to Sydney Trains for review and endorsement prior to the undertaking of those works. No works shall be undertaken until written confirmation has been provided by Sydney Trains that this condition has been complied with.

A9. Prior to the commencement of works on RailCorp owned land the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure. Should any ground works exceed two (2) metres in depth, prior to the commencement of those works the Applicant shall provide a Geotechnical Engineering Report to Sydney Trains for review and endorsement by Sydney Trains for the Demolition and Make Good works on Rail Corp owned land subject to the existing lease and encroached area. The report shall demonstrate that the Demolition and Make Good works have no negative impact on the rail corridor or the integrity of the infrastructure through any ground deformation, alteration, or movement. The report shall also include any potential impact of demolition and excavation, and demolition- and excavation- induced vibration in rail facilities by the proposed works.

A10. No amendments will be made to the Development Application without RailCorp's prior written consent which RailCorp may, in its absolute discretion, withhold or in respect of which RailCorp may impose any conditions.

A11. All works are to comply with the Building Code of Australia and Australian Standards.

A12. No parts of the development are to occur outside the current lease boundary without prior RailCorp approval.

A13. During the works, the Applicant shall not hinder RailCorp's ability to undertake maintenance and emergency activities.

A14. Any works must be performed in accordance with WorkCover's requirements to ensure any possible contaminants do not pose a risk to human health or the environment.

Attachment B

B1. All works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Excavation and Shoring Report Ref 5933 Version 1 prepared by James Taylor & Associates dated 3 November 2017; including but not limited to the following attachments:
 - Geotechnical Investigation Report Ref GEOTLCOV25566AA-AB prepared by Coffey Geotechnics Pty Ltd dated 25 November 2015
 - Risk Assessment for Derailment Scenarios on Down Suburban West Line Ver 0.A prepared by Minciv Management Services Pty Ltd dated 25 November 2016
 - Project 5933 Drawings RW-01, RW-02, RW-03, RW-04, RW-05, RW-06 Rev A prepared by James Taylor & Associates dated 3 November 2017

The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of a Construction Certificate by the Principal Certifying Authority. Prior to the commencement of Works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

B2. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for review and written endorsement the following documentation:

- Final Demolition and Construction Methodology.
- Final Works Programme.
- Machinery to be used during excavation/construction.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

B3. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

B4. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

B5. Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.

B6. Prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

B7. If the developer requires track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to Sydney Trains facilities) to

undertake works, Sydney Trains Engineering Maintenance Interface should be consulted and approval obtained prior to the commencement of works.

B8. A Ground Vibration and Track Monitoring Plan (including instrumentation and the monitoring regime during excavation and construction phases) are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

B9. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

B10. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

B11. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B12. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

B13. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B14. During all stages of the development, environmental legislation and regulations will be complied with.

B15. During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

B16. During all stages of the development, extreme care shall be taken to prevent any form of pollution (including dust) entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

B17. Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easement) and must be adequately managed/ disposed of.

B18. Given the development site's location next to the rail corridor, drainage from the development must be adequately managed/ disposed of and not allowed to be

discharged into the corridor (and its easements) unless prior approval has been obtained from Sydney Trains.

B19. Prior to the commencement of works appropriate fencing and access gate is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

B20. The development shall have appropriate fencing and access gate fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

B21. To ensure that graffiti can be easily removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.

B22. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

B23. Sydney Trains advises they have 11 & 33kV H/V transmission cables near to this site and any works must be discussed and approved by Sydney Trains beforehand. In addition, all works must comply with all relevant safety standards including but not limited to:

- ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
- Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.

B24. Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

B25. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings shall indicate that there has been no encroachment into Sydney Trains land or easements. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B26. No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.

B27. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

B28. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

B29. If required, prior to the commencement of works the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal.

B30. If required, prior to the commencement of works the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works.

Reason:- to satisfy the provisions of the State Environmental Planning Policy (Infrastructure) 2007

31. **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.

32. **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.

33. **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).

34. **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).

35. **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.

36. **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.

37. **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.

38. **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

39. **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

40. **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.

41. **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.

42. **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.

43. **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.

44. **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.

45. **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.

46. **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.

47. **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.

48. **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.

49. **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.

50. **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.

51. **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.

52. **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.

53. **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.

54. **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.

55. **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.

56. **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.

57. **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 abovestated 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.

58. **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.

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

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

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

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

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

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

- Any works or hoisting of materials over a public footway or adjoining premises, or

- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

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

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

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

60. **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.

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

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

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

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

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

62. **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.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. **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.

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 as per the amended stormwater plans as referred to in approved as part of condition relating to 'Amended Drainage Plans' above.

Reason:- to prevent localised flooding

70. **Stormwater Connection to Council System**

Any works undertaken inside the Sydney Trains property shall comply with their requirements. All necessary approvals shall be obtained prior to entering into their site.

Reason:- to ensure the appropriate approval to enter into Railway land.

71. **Stormwater Connection to Council System**

The stormwater connection to the Council system shall be inspected by Council Engineer and the clearance letter from Council shall be submitted to PCA prior to issue of any occupancy certificate.

Reason:- to ensure the stormwater connection to comply with Council requirements

72. **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.

73. **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.

74. **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 amended stormwater plans approved as part of condition relating to 'Amended Drainage Plans' above.
- ii. OSD tank shall be located outside the building.
- 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.

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

Reason:- to ensure the stormwater is suitably discharged.

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 of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- a) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump 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 of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons while 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 this period.
- d) The pump out system is to be independent of any gravity drainage line except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface 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 access aisles are to be constructed a minimum of 100mm above the finished water level.
- f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

80. **Footpath Construction – Marion Street**

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

- Marion Street Footpath Construction is to be completed as part of Stage 1 Construction works.
- 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 – Queen Street**

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

- Queen Street Footpath Construction is to be completed for each relevant stage of the development as per the staging program.
- 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

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. **Works within Council controlled lands**

(1) For drainage works:

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

Inspections will be required:-

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

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

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

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

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by AJ+C and endorsed plan Drawing No DA2011, issue 2, dated 13/03/2018 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.

85. **Number of Car Parking Spaces**

A total of 654 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor carparking spaces shall be a minimum width of 2.6 m.

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

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

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, the number of spaces to be provided to the development is as follows:

- a) Residential requires 535 spaces
- b) Visitors requires 119 spaces

In addition to the above, the following number of spaces are to be made available to each relevant stage;

	Stage 1	Stage 2	Stage 3	Total
Residential	173	181	181	535
Visitors	39	40	40	119
Total	212	221	221	654

Reason:- to ensure sufficient car parking spaces are provided for the intended use of the development and to facilitate parking for each relevant construction stage.

87. **Signs for Visitor Parking**

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

Reason:- to ensure the visitor parking spaces are clearly identified.

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. **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.

90. **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.

91. **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.

92. **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.

93. **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.

94. **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.

95. **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.

96. **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

97. **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.

98. **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.

99. **Waste collection**

Waste collection area shall be provided within the site. Waste collection area shall be designed to comply with Council's Waste DCP. In this regard,

- a) Waste truck swept path shall be designed for a medium rigid truck. Waste truck and delivery truck shall enter and leave the site in a forward direction. In this regard detail swept path analysis shall be provided.
- b) Minimum 4.0m headroom shall be provided in the waste collection area.
- c) Waste collection access ramp gradient and transitions shall comply with Australian standard AS2890.2.

Reason:- to ensure waste collection comply with Council's DCP.

100. **Installation of Fibre-to-the-premises infrastructure**

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
and
- ii. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

Reason:- to ensure suitable provision is made for the installation of fibre-to-the-premises infrastructure.

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

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

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

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

102. **Arrangements for Water and Sewer Services**

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.

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

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

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

103. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

104. **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.

105. **Remedial Action Plan Requirements**

The recommendations of the Remedial Action Plan prepared by Trace Environmental dated 5 March 2018 are required to be adhered to throughout the demolition/construction phases of the development.

After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, Consulting Reporting on Contaminated Sites, and shall:

- i. Describe and document all works performed;
- ii. Include results of validation testing and monitoring;
- iii. Include validation results of any fill imported on to the site;
- iv. Show how all agreed clean-up criteria and relevant regulations have been complied with; and
- v. Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

Reason:- to ensure remediation works are undertaken.

106. **Remediation and validation**

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

- a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consulting Reporting on Contaminated Sites*, and shall:
 - i) Describe and document all works performed;
 - ii) Include results of validation testing and monitoring;
 - iii) Include validation results of any fill imported on to the site;
 - iv) Show how all agreed clean-up criteria and relevant regulations have been

- complied with; and
- v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

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

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

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

107. **Remediation works – contact details**

The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.

Reason:- to ensure a point of contact is provided to Council to liaise with, if necessary, in respect of the remediation works.

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

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

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

109. **Monitoring of field parameters**

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

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

110. **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.

111. **Amenity**

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

Reason:- to protect the amenity of the locality.

112. **Odour**

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

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

113. **Water Pollution**

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

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

114. **Acoustic Report – Construction/Operation of development**

Prior to the issuing of the Construction Certificate for each relevant stage, the following report is required to be prepared and submitted to Cumberland Council for assessment and comment: An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should also consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, lift shaft/s, ventilation plant for the underground car park). In addition development a construction noise & vibration management plan is required to be development that will address the demolition/construction noise & vibration intrusion from the proposed development and the impact that construction noise & vibration intrusion will have on adjoining premises. The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy & NSW EPA Interim Construction Noise Guidelines.

Reason:- to ensure acoustic amenity is protected during construction phases and to mitigate any amenity concerns related to operations occurring on the subject site.

115. **Noise and Vibration**

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

shown to be more relevant.

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

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

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

116. **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.

117. **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.

118. **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.

119. **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.

120. **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.

121. **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.

122. **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.

123. **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.

124. **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.

125. **Irrigation to Landscape Areas**

All landscaped podium areas and landscaped communal open spaces shall be provided with a water efficient (drip or similar) irrigation system.

Reason:- to ensure common landscaped areas within the development are provided with adequate irrigation.

126. **Paving Selection**

Selection of paving for use within the development shall give consideration to materials that reduce glare and minimise surface runoff.

Reason:- to ensure appropriate paving selection within the development as required by Council's Development Control Plan.

127. **Tree Protection – significant trees**

- a) Prior to the commencement of any works on the site, a Tree Protection Zone (TPZ) shall be established around all trees, including street trees, which are to be retained in accordance with the approved plans. The TPZ shall extend to a radius that is 10 times the diameter of the trunk of each tree. The measurement

of the trunk shall be taken 1.5m from ground level.

The area shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing, this must include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details. Unless an area is already covered by a hard surface, the area enclosed by the TPZ is to be kept weed/ grass free and be mulched to a depth of 100mm with an approved mulch.

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

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

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

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

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

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

128. **Street tree removal and replacement**

Original soil levels on the road verge shall not be changed, unless prior written consent is granted by Council.

All costs associated with the approved pruning and/ or removal and replacement of street trees shall be the responsibility of the applicant. Any street tree approved for removal shall be stump ground to a minimum of 200mm below ground level. All levels must be reinstated on the same day so that no trip or fall hazards are created.

Reason:- to maintain the amenity of the surrounding streetscape.

129. **Maintenance of proposed street trees**

Newly planted trees on Council land shall be maintained for a period of twelve months. Maintenance shall include watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other activities required to maintain a healthy tree. A suitably qualified horticulturist shall undertake all

maintenance work.

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

130. **Turf on Council's Verge**

All turf on Council's verge directly adjacent to the lot shall be removed and replaced with Kikuyu turf prior to the issue of an Occupation Certificate. Levels on the verge must remain unchanged.

Reason:- to improve streetscape appearance.

131. **Arrangements for electricity and telephone services**

Satisfactory arrangements are to be made **with relevant service providers** for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to Council **prior to the issue of the subdivision certificate**.

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

132. **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, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 132 092.

Following application a "Notice of Requirements" will be forwarded detailing 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 Council **prior to release of the final plan of subdivision**.

NOTE: Development types generally not to be referred for Section 73 Compliance Certificates are:-

- *Strata subdivision plans for building approved by an earlier DA, ie strata title of an existing block.*
- *Consolidation of existing lots of land not involving subdivision of the existing lots.*
- *One new single residential dwelling replacing an existing dwelling.*
- *Alterations, additions to an existing residential dwelling (including carports).*
- *Carports on residential lots.*

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

133. **Submission of Plan of Subdivision**

Submission of an original plan of subdivision together with seven (7) copies. Note: A

Subdivision Certificate release fee is payable to Council before collection of the Council endorsed final plan of subdivision.

Reason:- to provide adequate number of plans.

134. **Approval of Subdivision Plan**

The final plan of subdivision and subdivision certificate will not be endorsed by Council unless the subdivision has been completed in accordance with the conditions contained in the notice of determination of development application DA 382/2017 and approved plans.

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

135. **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.

136. **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.

137. **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.

138. **Surveillance tapes:**

The surveillance tapes captured by the CCTV cameras shall be kept for a period of 14 days for viewing by the police upon request with the recording device located in a secure area to maintain the integrity of the recorded footage.

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

139. **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.

140. **Security Management Plan**

A Security Management Plan shall be prepared which specifies appropriate security patrol, surveillance and other security and response methods in and around the site. A copy of this plan should be submitted to Council and relevant authorities (i.e. NSW police) prior to the issue of an occupation certificate.

Reason:- to ensure the development provides acceptable security measures to preserve residential amenity and security.

141. **Graffiti and Vandalism Rectification**

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

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

142. **Cleaning of facade**

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

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

143. **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.

144. **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.

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

145. 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.

146. 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.

147. Suitable arrangements to be made for garbage and recycling services

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

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

148. Waste Management Plan – New works

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

The approved Waste Management Plan for the site must be displayed in an

appropriate location on-site and complied with at all times during construction/remediation/demolition and ongoing occupation.

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

Reason:- to ensure waste is properly managed.

149. Garbage Storage and Collection

All garbage shall be removed from the site directly via the basement/at grade garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

150. 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.

151. 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.

152. 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.

153. **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
- b) 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 the development is compliant with the NCC.

154. **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.

155. **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.

156. **Fire Safety Notices**

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

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

157. **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.

158. **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).