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## CONDITIONS OF DEVELOPMENT CONSENT

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**DA No:** DA-503/2017  
**Property:** 2 Mark Street and 1, 1A & 3 Marsden Street, LIDCOMBE  
**Description:** Demolition of existing structures, tree removal and construction of a ten storey mixed use development comprising three ground floor commercial tenancies and 153 apartments units over four levels of basement car parking.

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

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

**1. Amended architectural and stormwater plans**

Amended stormwater plans (3 sets) addressing the following shall be submitted to and approved by Cumberland Council:-

**DC1 - Traffic/parking**

Updated traffic report shall be submitted.

- Intersection of the driveway at the street level and the access ramp shall be designed in such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c). In this regard, a swept path analysis shall be provided.
- Turning area shall be provided at the basement boom gate in accordance with the Australian standard AS2890.1.
- Adequate sight distance shall be provided for parking space 1 in basement Level 1.
- Appropriate line markings treatments shall be provided to minimise the conflicts at the ground level driveway entrance.
- Parking space layout and ramp gradients shall comply with Australian standard AS2890.1 and AS2890.6.

**DC2 - Loading and unloading**

- Delivery trucks shall enter and leave the site in a forward direction. In this regard, the loading area shall be redesigned. The loading and unloading area shall be designed to provide access to at least a Medium Rigid Vehicle (MRV). In this regard swept path analysis shall be submitted.

Reason:- to ensure parking and loading requirements comply with Council’s DCP and Australian standard AS2890.1, AS2890.2 & AS2890.6.

**DC3 - Amended architectural and landscape plans**

Amended architectural plans and landscape plans be submitted (Minimum 3 sets) showing the following:-

- Additional parking for motorbikes be provided at a rate that accords with the requirements of Part 3J2 of the Apartment Design Guide.

Reason:- to ensure the building does not exhibit excessive height and to ensure the landscape plans, architectural plans and BASIX correlates with one another.

#### DC4 - **Additional acoustic report**

An acoustic report shall be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants and or grade membership of the Australian Acoustical Society. The report shall consider noise emissions from the development including but not limited to demolition / construction noise and vibration intrusion. The report shall be prepared in accordance with the NSW Environmental Protection Authority Industrial Noise Policy and New South Wales EPA Interim Construction Noise Guideline.

Reason:- to ensure noise from demolition and construction work is controlled.

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

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

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

##### 1. **Approved Plans - Deferred Commencement**

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

<b>Plan Number</b>	<b>Prepared By</b>	<b>Revision No.</b>	<b>Dated</b>
Cover Sheet Drawing Number D:01	Zhinar Architects	D	27/6/2018
Basement 4 Plan Drawing Number D:05	Zhinar Architects	D	22/6/2018
Basement 3 Plan Drawing Number D:06	Zhinar Architects	D	22/6/2018
Basement 2 Plan Drawing Number D:07	Zhinar Architects	D	22/6/2018
Basement 1 Plan Drawing Number D:08	Zhinar Architects	D	22/6/2018
Site Plan Drawing Number D:09	Zhinar Architects	D	27/6/2018
Ground Floor Plan Drawing Number D:10	Zhinar Architects	D	27/6/2018
Level 1-3 Plan (Typical) Drawing Number D:11	Zhinar Architects	D	22/6/2018

Level 4-7 Plan (Typical) Drawing Number D:12	Zhinar Architects	D	22/6/2018
Level 8 Plan Drawing Number D:13	Zhinar Architects	D	22/6/2018
Level 9 Plan Drawing Number D:14	Zhinar Architects	D	22/6/2018
Roof Plan Drawing Number D:15	Zhinar Architects	D	22/6/2018
Top Roof Plan Drawing Number D:16	Zhinar Architects	D	22/6/2018
South Elevation Drawing Number D:17	Zhinar Architects	D	22/6/2018
North Elevation Marsden Street Drawing Number D:18	Zhinar Architects	D	22/6/2018
West Elevation Drawing Number D:19	Zhinar Architects	D	22/6/2018
East Elevation Drawing Number D:20	Zhinar Architects	D	22/6/2018
Section A Drawing Number D:21	Zhinar Architects	D	22/6/2018
Section B Drawing Number C:22	Zhinar Architects	D	22/6/2018
Section A Drawing Number D:23	Zhinar Architects	D	22/6/2018
Landscape Site Plan Sheet 1 of 3	Paul Scrivener	C	28/6/2018
Landscape Planting Plan Sheet 2 of 3	Paul Scrivener	C	14/11/2017
Calculations Plan / Details Sheet 3 of 3	Paul Scrivener	C	14/11/2017
Title Page, Notes and Other Details and Pump out Tank Details Drawing Number SW001	Mance Arraj	A	14/11/2017
Stormwater Layout Drawing Basement Level 4 Drawing Number SW010	Mance Arraj	B	30/5/2018
On Site Detention Tank Plan and Section Details Drawing Number SW011	Mance Arraj	B	30/5/2018
Stormwater Layout Drawing Ground Level Drawing Number SW020	Mance Arraj	B	30/5/2018
Stormwater Layout Drawing Roof Level Drawing Number SW030	Mance Arraj	A	14/11/2017
BASIX Certificate Number 878272M-02			26 June 2018
Nationwide House Energy Rating Scheme Certificate Number 0002886970	SLR Consulting Australia Pty Ltd		26 June 2018

Acoustic Report Report Number 20171441.1/0211A/R0/MF	Acoustic Logic	0	2/11/2017
Arboricultural Impact Assessment (Reference 2777)	Redgum Horticultural		28 March 2017
Geotechnical Investigation Report No 17/2336	STS Geo Environmental		August 2017
Further Site Investigation Report for BCC Development Pty Ltd Report 18/2050	STS Geo Environmental		July 2018
Access Compliance Report	Vista Access Architects		26/10/2017
Qualitative Environmental Wind Assessment Report Number 610.17704-R01	Global Environmental Solutions		16 November 2017
Waste Management Plan	Vince Bilotta		November 2017

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

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

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

## 2. **Time period of consent**

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

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

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

## 3. **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.

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

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

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

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

A sum of \$745,252.48 is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

Item	Amount
Employment Generating Development	\$6,046.31
Community Facilities	\$182,287.34
Public Domain	\$403,164.66
Accessibility and traffic	\$42,650.46
Administration	\$111,103.78
<b>TOTAL</b>	<b>\$745,252.48</b>

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

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

5. **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.

6. **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.

7. **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).

8. **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).

#### 9. **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.

#### 10. **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.

#### 11. **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

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*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.

12. **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.

13. **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.

14. **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.

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15. **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.

16. **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.

17. **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.

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**18. 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. The 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.

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

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

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*).
- c) A 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).
- d) 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).
- e) An acoustic report prepared by an appropriately qualified acoustic consultant that considers noise emissions from the development including but not limited to proposed mechanical plant, air conditioners, automatic roller doors, ventilation plant for the underground car park) and the individual mechanical ventilation systems for all habitable spaces along northern & western facades of the development. The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy & Australian Standard AS1668.2.
- f) A construction management plan for managing construction work, vehicle routes, number of trucks, hours of construction, access arrangements and traffic control shall be prepared with a copy being submitted to Council for final approval.
- g) Amended landscape plan being prepared that shows the installation of additional amenities for the roof top common area such as a BBQ and play equipment for children.

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

**20. 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.

21. **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.

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

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

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

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

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

**ADVISORY NOTE**

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

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

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

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

23. **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.

24. **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.

25. **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.

26. **Survey Report**

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

*(Setbacks and levels at commencement)*

- 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)*

- 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.

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27. **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.

28. **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) 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.
- b) 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.
- c) 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.

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29. **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.

30. **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.

31. **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.

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

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

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

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

Notwithstanding the 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.

### 33. **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.

### 34. **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.

### 35. **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.

### 36. **Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential

services we use everyday - electricity, gas, communications and water.

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

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

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

37. **Demolition of buildings**

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

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

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

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

38. **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.

39. **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.

40. **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.

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

The following shall be compiled with:-

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

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

42. **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.

#### 43. **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.

#### 44. **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.

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45. **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.

46. **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.

47. **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.

48. **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.

49. **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.

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50. **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.

51. **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.

52. **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.

53. **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.

54. **Submission of full stormwater disposal details**

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

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

- I. The proposed stormwater system shall be generally in accordance with the stormwater plans SW001 to SW030 issue A dated 14/11/2017 prepared by Mance Arraj.
- II. All access grates to the detention facility shall be double (2/900x450) hinged grates.

- III. The overflow system from the rainwater tank shall be modified in order to prevent overflow from the OSD system entering into the rainwater tank.
- 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](http://www.cumberland.nsw.gov.au)

Reason:- to ensure the stormwater is suitably discharged.

55. **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.

56. **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.

57. **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.

58. **Engineer Certificate for critical 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.

59. **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.
- b. 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.
- c. A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- d. 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.
- e. The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which 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.
- f. Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- g. 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.

60. **Footpath Construction - Marsden Street and Mark Street**

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

- Detailed 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 into the design.
- The details of construction requirements shall be requested from the Council prior to construction commencing.
- 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.

61. **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.

62. **Stormwater disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Council's pipe system in Mark Street as per stormwater plans.

Reason:- to prevent localised flooding.

63. **On street drainage design**

Prior to the issue of any Construction Certificate a detail design for the proposed connection to existing Council storm water pipe shall be submitted and approved by Cumberland Council's Manager Engineering and Traffic. In this regard:-

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A longitudinal section, of the proposed pipe within the road reserve, showing the depth and location of all the services within the area of the proposed works shall be submitted.

Exact invert level of the pipe shall be determined and annotated on the plan. Service search details shall be submitted.

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

64. **On street drainage construction**

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

A separate approval shall be obtained from Council's Engineering Section.

Inspections will be required for the works related to the proposed connection to Council's storm water drainage system at following stages:

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

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.

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

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

65. **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.

66. **Works within Council controlled lands**

(1) For drainage works:

Within Council controlled lands.

Connecting to Council's stormwater drainage system.

Inspections will be required:-

- After the excavation of pipeline trenches.
- After the laying of all pipes prior to backfilling.
- 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.

67. **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.

68. **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.

69. **Ramp gradients**

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard, detailed 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.

A copy of the approved plan shall be submitted to Council.

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

70. **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.

71. **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.

72. **Splay on street corner**

A 2.5m splay shall be provided Mark Street and Marsden Street and Mark Street and

Marsden Lane corners. No structures including basements shall be located within the splay area. In this regard:-

Prior to the issue of any Construction Certificate, a detailed plan showing compliance with the above requirements shall be submitted to an approved by Principal Certifying Authority.

Prior to the issue of any Occupation Certificate, the splay shall be dedicated to Council and registered with Land and Property Information (LPI) at no cost to Council. A copy of the LPI approved land dedication of the splay area shall be submitted to Council for its records.

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

73. **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.

74. **Roads and Maritime Services conditions**

The following conditions are applied by the Roads and Maritime Services.

- a) The layout of the proposed car park and loading areas associated with the 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 AS2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
- b) Sight distances from the proposed vehicle crossing on Marsden Street shall be in accordance with Austroads "Guide to Traffic Engineering Practice, Part 5 - Intersections at Grade, Section 6.2 Sight Distance and AS2890". Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists and general traffic.
- c) All vehicles are to be wholly contained within the site being required to stop.
- d) Bicycle parking associated with the subject development should be in accordance with AS2890.3-2015 (Bicycle Parking Facilities).

Reason:- to ensure the Roads and Maritime Services requirement are complied with.

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

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

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

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

building, driveway or landscaping design.

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

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

76. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

77. **Number of Car Parking Spaces**

A total of 218 off-street car parking spaces are to be provided to the development. Of this figure:-

- A minimum of 13 spaces shall be dedicated for visitor use.
- A minimum of 9 spaces shall be dedicated for the commercial tenancies.
- 1 space on Basement Level 1 shall be dedicated as a car wash bay.
- A minimum of 12 spaces should be earmarked for people with disabilities.

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 car parking 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.

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78. **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 sign marked.

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

79. **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.

80. **Car Wash Bay**

A car wash bay as shown on Plan Number DA-C:08 (Basement 1 Plan) on Basement Level 1 is to be provided for use by residents for car cleaning and washing activities. The area is to be suitably located, paved, graded and drained.

All waste water from the car wash bay shall be discharged to sewer under a Trade Waste Agreement from Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The means of disposal shall comply with:-

- EPA's *Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)*
- EPA's *Managing Urban Stormwater: treatment techniques*

Details are to be submitted with the construction certificate.

Reason:- to designate a car washing area within the development and to ensure waste water is properly managed.

81. **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.

82. **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.

83. **Minimum height clearance for carparking spaces and entry to basement carparks**

The minimum height clearance between any structure or fixtures and the driveway/carpark

floor level shall be 2.2 metres.

Reason:- to ensure vehicles and pedestrians can safely use the carparking facility.

84. **Protective bar to vehicular entry**

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

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

85. **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.

86. **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.

87. **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.

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

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

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

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

89. **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.

90. **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.

91. **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.

92. **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.

93. **Unexpected Finds Protocol**

An Unexpected Finds Protocol (UFP) shall be established as part of the Construction Management Plan for the site.

Reason:- to comply with the Recommendations of "Further Site Investigation Report prepared by STS GeoEnvironmental and dated July 2018.

94. **Land contamination**

During site excavations, all soils (subject to removal) are required to be validated prior to any off-site disposal in accordance with the NSW EPA Waste Classification Guidelines.

Reason:- to ensure the site is clean of contaminants prior to construction work commencing.

95. **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.

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

96. **SEPP 65 - Design Verification**

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

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

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

97. **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.

98. **Plumbing - separation and containment**

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.

Reason:- to ensure adequate separation and containment of plumbing between dwellings.

99. **Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

Reason:- to ensure adequate security provision to shared pedestrian entries to the development in accordance with Council's Development Control Plan requirements.

100. **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.

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**101. 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.

**102. 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.

**103. 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.

**104. 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.

**105. 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.

106. **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.

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

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

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

108. **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.

109. **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.

110. **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.

#### 111. **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.

#### 112. **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.

**113. Fire Safety Notices**

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

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

**114. Street Trees Planting**

The following street trees shall be planted by the applicant. Any costs associated with this work shall be borne by the applicant.

**Mark Street**

Species	Common Name	Min. No	Min. Pot Size	Min. Height
Tristaniopsis Laurina	Water Gum	3	75 Litres	2 metres

Trees shall be planted a minimum of 5 metres offset from driveways and 10 metres from intersections and located at the back of kerb.

**Marsden Street**

Species	Common Name	Min. No	Min. Pot Size	Min. Height
Eleocarpus Reticulatis	Blueberry Ash	6	75 Litres	2 metres

Trees shall be planted a minimum of 5 metres offset from driveways and 10 metres from intersections and located at the back of kerb.

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

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

**115. Existing trees on site and adjoining sites**

Approval is given for the removal of the following trees on site as identified in Redgum Aboricultural Impact Assessment and Tree Management Plan dated 15 November 2017.

Number	Tree species	English name
1	Callistemon linearis	Narrow leaved Bottlebrush
2	Jacaranda mimosifolia	Jacaranda
3	Celtis australis	Nettle Tree
4	Cupressus semperivirens "Stricta"	Green Pencil Pine
5	Callistemon viminalis	Weeping Bottlebrush

***The following trees are located on an adjoining property and shall be retained and protected in accordance with AS4970-2009 Protection of trees on development sites and Redgum's Tree Protection Plan prepared on 28 March 2017, Reference no. 2777. Removal of any trees on adjoining properties must be with the owner's consent.***

Number	Tree species	English name
6	Cinnamomum camphora	<b><i>Camphor laurel</i></b>
7	Ficus benjamina	Weeping Fig

Reason:- to comply with the recommendations of the Aboricultural Impact Assessment and Tree Management Plan dated 15 November 2017.

**116. No Advertising Approved**

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

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

**117. 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.

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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.

118. **Surveillance cameras**

A CCTV system shall be installed in and around all premises especially at entry / exit points to maximise surveillance opportunities. Digital and monitored technology should be used to record images from the cameras.

Installed surveillance equipment should be maintained in working order and regularly maintained and tested.

The surveillance 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.

In addition to the above, warning signs shall be posted at strategic points around the perimeter of the property especially near entry points warning intruders of the security measures in place.

Details shall be shown in the construction certificate plans for approval by Council or the accredited certifier.

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

119. **Separate consent required prior to occupation of premises**

Separate Development Consent must be obtained prior to occupation of the commercial tenancy situated on the ground floor of the building.

Reason:- to control and regulate the use of the premises.

120. **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.

121. **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).

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**122. Smoke Detection/Alarm Systems - Class 2 Buildings**

The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans/specification for the **Construction Certificate**.

Reason:- to ensure that reasonable levels of fire safety are provided in the building.

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

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

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

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

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

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

**125. Termite Protection**

Where a primary building element in a building may be subject to attack by termites, those members will need to be protected in accordance with Clause 3.1.3.0 of the Building Code of Australia. Satisfactory compliance with this requirement is achieved by applying a preventative treatment in accordance with AS 3660.1-2000.

Where a patented method of physical protection or chemical treatment is carried out, a certificate shall be submitted to The Principal Certifying Authority from the installer/pest control firm indicating that the protection used complies with AS 3660.1-2000 and the Building Code of Australia. This certificate shall be forwarded to The Principal Certifying Authority **prior to the pouring** of any slab on ground or **prior** to a bearers and joist inspection.

Where an alternative method of treatment is proposed, it is to be provided in accordance with the requirements of Clause 3.1.3 and Clause P2.1 in Section 2 of the Building Code of Australia. Details of any proposed performance based compliance system must be submitted to The Principal Certifying Authority for approval.

A durable notice must be permanently fixed to the building in a prominent location regarding the installation of termite barriers, such as in a meter box or the like indicating:-

- i) The method of protection; and

- ii) The date of installation of the system; and
- iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- iv) The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason:- to comply with Clause 3.1.3.0 of the Building Code of Australia and AS 3660.1-2000.