
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-94/2019
Property: 2-36 Church Street, Lidcombe
Description: Construction of 4 residential flat buildings of varying heights from 4 to 10 storeys, comprising 262 units (including 53 social housing units) over basement parking for 335 vehicles, pursuant to SEPP (Affordable Rental Housing) 2009, and construction of a roundabout at the intersection of Martin Street and Church Street

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, 1979, this development consent will not operate until the applicant satisfies the Council as to the matters set out in these “deferred commencement” conditions.

DC1 - Gross Floor Area (GFA)

Amended architectural plans shall be submitted to Council’s Executive Manager Development and Building for assessment and approval, prior to the operation of this consent, which reduce the Gross Floor Area (GFA) and Floor Space Ratio (FSR) of Buildings C and D of the development to the following:

| Building | Address | Maximum GFA / FSR |
|-----------------|-------------------------------|---------------------------------|
| Building C | 10-16 Church Street, Lidcombe | 6,302.92m ² / 2.99:1 |
| Building D | 2-8 Church Street, Lidcombe | 6,714.55m ² / 3.12:1 |

DC2 - Sydney Trains

This consent is not to operate until the Applicant satisfies the Council, within 24 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

- a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- b) Construction methodology (including method of anchor installation monitoring) with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- d) Detailed Survey Plan showing the relationship of the proposed developed with respect

to Sydney Trains easement and rail corridor land.

- e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- f) If required by Sydney Trains, a Monitoring Plan.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

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 through the term that the consent remains valid:-

2. Approved Plans and Documents

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

| <i>Drawing Title / Plan or Reference Number</i> | <i>Prepared By</i> | <i>Rev.</i> | <i>Dated</i> |
|--|---------------------------|--------------------|---------------------|
| Cover Sheet / A-DA-LC-1100-Cover | Cox Architecture | 32 | 28/10/2019 |
| Site Plan / Site Analysis Diagram / A-DA-LC-1101-Site | | | |
| Basement 4 Plan (West) / A-DA-LC-2090-B4-WEST | | | |
| Basement 4 Plan (East) / A-DA-LC-2091-B4- EAST | | | |
| Basement 2-3 Plan (West) / A-DA-LC-2100-B2-3-WEST | | | |
| Basement 2-3 Plan (East) / A-DA-LC-2101-B2-3-EAST | | | |
| Basement 1 Plan (West) / A-DA-LC-2102-B1-WEST | | | |
| Basement 1 Plan (East) / A-DA-LC-2103-B1- EAST | | | |
| Ground Floor Plan (West) / A-DA-LC-2104-GF-WEST | | | |
| Ground Floor Plan (East) / A-DA-LC-2105-GF-EAST | | | |
| Level 1 Floor Plan (West) / A-DA-LC-2106-LV1-WEST | | | |
| Level 1 Floor Plan (East) / A-DA-LC-2107-LV1-EAST | | | |
| Level 2 Floor Plan (West) / A-DA-LC-2108-LV2-WEST | | | |
| Level 2 Floor Plan (East) / A-DA-LC-2109-LV2-EAST | | | |
| Level 3 Floor Plan (West) / A-DA-LC-2110-LV3-WEST | | | |

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| Level 3 Floor Plan (East) / A-DA-LC-2111-LV3-EAST | | | |
| Level 4 Floor Plan (West) / A-DA-LC-2112-LV4-WEST | | | |
| Level 4 Floor Plan (East) / A-DA-LC-2113-LV4-EAST | | | |
| Level 5 Floor Plan (West) / A-DA-LC-2114-LV5-WEST | | | |
| Level 5 Floor Plan (East) / A-DA-LC-2115-LV5-EAST | | | |
| Level 6 Floor Plan (West) / A-DA-LC-2116-LV6-WEST | | | |
| Level 6 Floor Plan (East) / A-DA-LC-2117-LV6-EAST | | | |
| Level 7 Floor Plan (West) / A-DA-LC-2118-LV7-WEST | | | |
| Level 7 Floor Plan (East) / A-DA-LC-2119-LV7-EAST | | | |
| Level 8 Floor Plan (West) / A-DA-LC-2120-LV8-WEST | | | |
| Level 8 Floor Plan (East) / A-DA-LC-2121-LV8-EAST | | | |
| Roof Plan (West) / A-DA-LC-2122-RF-WEST | | | |
| Roof Plan (East) / A-DA-LC-2123-RF-EAST | | | |
| Buildings A-B – North Elevation / A-DA-LC-3000-BLD A-B-NORTH | | | |
| Buildings C-D – North Elevation / A-DA-LC-3001-BLD C-D-NORTH | | | |
| Buildings D-C – South Elevation / A-DA-LC-3002-BLD D-C-SOUTH | | | |
| Buildings B-A – South Elevation / A-DA-LC-3003-BLD B-A-SOUTH | | | |
| Building A – East and West Elevations / A-DA-LC-3004-BLD A-EAST | | | |
| Building B – East and West Elevations / A-DA-LC-3005-BLD B-EAST WEST | | | |
| Building C – East and West Elevations / A-DA-LC-3006-BLD C-EAST WEST | | | |
| Building D – East and West Elevations / A-DA-LC-3007-BLD D-EAST WEST | | | |
| North Elevation – Church St Interface Detail / A-DA-LC-3100-CHURCH ST FENCE DETAIL | | | |
| Building A – Section 1 / A-DA-LC-4000 | | | |
| Buildings ABCD – Long Section / A-DA-LC-4001 | | | |
| Car Park Ramp Sections / A-DA-LC-4100-CP | | | |
| ADG Ceiling Height Detail Section / A-DA-LC-4200 | | | |
| Adaptable & Silver Level Apartments / A-DA-LC-5000 | | | |
| Adaptable & Silver Level Apartments / A-DA-LC-5100 | | | |
| Adaptable & Silver Level Apartments / A-DA-LC-5200 | | | |
| Street Number Plan – A-DA-LC-6200-STREET NUMBERING | | | |

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|--|-------------------------------|----|------------|
| Drawing Register & Key Plan / OC-L-100 | Oculus Landscape Architecture | D | 20/08/2019 |
| Landscape Plan – Ground Sheet 1 of 3 / OC-L-101 | | | |
| Landscape Plan – Ground Sheet 2 of 3 / OC-L-102 | | | |
| Landscape Plan – Ground Sheet 3 of 3 / OC-L-103 | | | |
| Landscape Section – Communal Garden – BLDGS C & D / OC-L-104 | | | |
| Landscape Section – Communal Garden – BLDGS C & D / OC-L-105 | | | |
| Landscape Section – Communal Garden – BLDGS C & D / OC-L-106 | | | |
| Landscape Section – Communal Garden – BLDG A / OC-L-107 | | | |
| Landscape Section – Front & Rear Boundaries / OC-L-108 | | | |
| Rooftop Plan West 1 [Building D] / OC-L-109 | | | |
| Rooftop Plan West 02 [Building C] / OC-L-110 | | | |
| Rooftop Plan East 01 [Building B] / OC-L-111 | | | |
| Rooftop Plan East 02 [Building A] / OC-L-112 | | | |
| Landscape Section – Roof / OC-L-113 | | | |
| Indicative Plan Schedule & Material Images / OC-L-114 | | C | 24/08/2019 |
| Indicative Materials / OC-L-115 | | | |
| Precedent Images / OC-L-116 | | 01 | Undated |
| Building A Rooftop / ROOFTOP_EAST 2 | | | |
| Building B Rooftop / ROOFTOP_EAST 1 | | | |
| Building C Rooftop / ROOFTOP_WEST 2 | | | |
| Building D Rooftop / ROOFTOP_WEST 1 | | | |
| Site Plan / MARKET HOUSING LANDSCAPE_EAST | | | |
| Site Plan / MARKET HOUSING LANDSCAPE_WEST | | | |
| Site Plan / SOCIAL HOUSING LANDSCAPE | | | |
| Erosion and Sediment Control Plan – Sheet 1 / CI-070-01 | Wood & Grieve Engineers | B | 24/08/2019 |
| Erosion and Sediment Control Plan – Sheet 2 / CI-070-02 | | | |
| Erosion and Sediment Control Details – Sheet 2 / CI-076-01 | | A | 30/07/2018 |
| Bulk Earthworks / CI-100-01 | | B | 24/08/2019 |
| Stormwater Drainage Plan – Sheet 1 / CI-520-01 | | | |
| Stormwater Drainage Plan – Sheet 2 / CI-520-02 | | A | 30/07/2018 |
| Stormwater Drainage Details – Sheet 1 / CI-526-01 | | | |
| Stormwater Drainage Details – Sheet 2 / CI-526-02 | | | |
| Railway Corridor Perimeter Sections / ST-R-001 | Wood & Grieve Engineers | B | 14/11/2019 |
| Church Street Roundabout Plan / S19020 / DA-1200 | BG & E | B | 16/08/2019 |
| Church Street Intersection Plan / S19020 / DA-1230 | | | |
| Church Street Kerb Return Longitudinal Sections / S19020 / DA-1235 | | | |
| Church Street Signs and Linemarking / S19020 / DA-1250 | | | |

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|---|---------------------------------|-----|--------------------------|
| Church Street Swept Path Analysis 12.5m Single Truck / Bus / S19020 / DA-1300 | | | |
| Church Street Swept Path Analysis 19.0m Semi Trailer / S19020 / DA-1301 | | | |
| Tree Protection Plans (Sheets 1 and 2) | Bluegum | - | Undated |
| Acoustic Report / 39211 | Wood & Grieve Engineers | 004 | 13/09/2018 |
| Acoustic Response Letter / 39211 | Wood & Grieve Engineers | - | 12/08/2019 |
| Arboricultural Impact Assessment / - | Bluegum | - | 08/2019 |
| BASIX Assessment Report & Certificate / 998954M | Wood & Grieve Engineers | 4 | 04/03/2019 05/03/2019 |
| CPTED Assessment / 218496 | Ethos Urban | - | 14/09/2018 |
| Detailed Environmental Site Investigation / 10023085RP02 | Arcadis | 1 | 08/08/2018 |
| Electrolysis Testing / W18257/J740 | Corrosion Control Engineering | - | 23/8/2019 |
| Geotechnical Investigation / 86491.00 | Douglas Partners | 0 | 24/08/2018 |
| Waste Manage Plan / - | The MACK Group | | 11/09/2018 |
| Qualitative Wind Assessment / 610.18246-R01 | SLR Consulting Australia | 2.0 | 13/09/2018 |
| Structural Report / 39211-ST-RE01 | Wood & Grieve Engineers | - | 15/11/2019 |
| Waste Management Advice | EcCell Environmental Management | - | 18/08/2019 |
| Work Method Statement | Wood & Grieve Engineers | - | Undated |

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.

3. **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).

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

Development Contributions are payable in accordance with the Auburn 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 works commencing.

A sum of **\$1,552,441.56** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development within the Auburn LGA.

The above sum is broken down to the following items:

| Item | Amount |
|-----------------------------|-----------------------|
| Community Facilities | \$382,827.24 |
| Public Domain | \$846,698.11 |
| Accessibility and Transport | \$233,352.61 |
| Administration | \$89,553.85 |
| Total | \$1,552,441.81 |

The Auburn 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

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

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 occupation.

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 Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

- a) the person having the benefit of the development consent has:-
 - i) appointed a certifying authority for the building work, and
 - ii) notified the certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the certifying authority has, no later than 2 days before the building work commences:-
 - i) notified the consent authority and the council 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 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. **Certifying Authority**

- 1) A certifying authority for building work to be carried out on a site is required to be satisfied:-
 - a) 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 certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
 - b) 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 certifying authority has control, and
 - c) that building work on the site has been inspected by the 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 certifying authority, prior to occupation, and
 - d) that any preconditions required by a development consent are met prior occupation.
- 4) A certifying authority must also comply with such other requirements of a like or different nature as may be imposed on 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 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 prior to works commencing.

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 prior to works commencing.

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 Certifying Authorities**

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

A certifying authority appointed to replace another certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority 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.

15. **Notice to Allow Inspections**

To allow a certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the certifying authority, the principal contractor for a building site, or the owner-builder, must notify the 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 is being carried out:-

- a) showing the name, address and telephone number of the 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 is being carried out, but must be removed when the work has been completed.

Note: 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, 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.

18. **Construction Hours**

Site works, and building 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 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 hours. These signs must also state "Any instances of site works, building 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 Works Commencing**

The following documentation (where applicable) is to be submitted to Council or the certifying authority, **prior to works commencing**:

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- d) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications, to be submitted to the certifying authority, prior to works commencing).
- e) Method of protecting window/door openings as required by BCA Part 3.
- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

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

20. Infrastructure Fee

The infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to works commencing.

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 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. Certifying Authority – Inspection of works – general & site management

The building works are to be inspected by the certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the certifying authority) 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 certifying authority.

Upon inspection of each stage of construction, the 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

The following critical inspections (as applicable to the development), must be arranged:

- a) *Prior to the commencement of Building Works, ensure erosion controls, certifying authority and the builder's 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, and 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) *The swimming pool safety fence prior to filling the pool with water.*
- l) *Foundation material before installation of the swimming pool or laying of any bedding*

material.

- m) *Pool shell reinforcement including pool coping.*
- n) *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. The sign shall also display the name and contact details of the nominated 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 certifying authority (and a copy is to be forwarded to the Council), detailing compliance with Council's approval at the following stage/s of construction:

(Setbacks and levels at commencement – new dwellings)

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

(Setbacks and levels at completion – new dwellings)

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

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

27. **Fencing of Construction Sites – Rental details to be provided to the Certifying Authority**

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 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 certifying authority 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) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt

- leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
 - h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the 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.

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

Throughout the construction 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 certifying authority prior to works commencing:-

- 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 works commencing, 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 to be issued to the certifying authority, prior to works commencing.

A copy of the engineer's report is to be submitted to the Council.

- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority prior to works commencing, 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) A dilapidation report prepared by a *professional engineer* or suitably qualified building professional shall be submitted to the certifying authority prior to the commencement of 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.

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided prior to the commencement of excavation or building works certifying that the 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 certifying authority 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 Certifying Authority (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 certifying authority 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 works 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 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 certifying authority and the public safety provision and temporary fences must be in place prior to the commencement of any site works, 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 every day – electricity, gas, communications and water.

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

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

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

37. **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.

38. **Number of Car Parking Spaces**

A total of 335 off-street car parking spaces are to be provided to the development. Of this figure:

- A minimum of 292 spaces shall be dedicated as residential use, inclusive of 25 spaces for the social housing component.
- A minimum of 43 spaces shall be dedicated as residential visitor use.

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.

Car parking 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. Car parking 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 the Auburn Development Control Plan 2010 - Parking & Loading.

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

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor and employee parking spaces shall be clearly sign marked.

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

40. **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 to the certifying authority, prior to works commencing.

Reason: to assist with traffic flow within the development.

41. **Minimum height clearance for car parking spaces and entry to basement car parks**

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 car parking facility.

42. **Size Limit of Delivery Vehicles**

Vehicles making deliveries to the premises shall be limited to Heavy Rigid Vehicles (HRV) or smaller as defined by Australian Standard AS2890.2.

Reason: to ensure adequate manoeuvring space is provided at the site.

43. **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 drawings submitted to the certifying authority, prior to works commencing, and installed prior to occupation.

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

44. **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.

45. **Internal Ramp**

The proposed driveway ramp shall be designed in accordance with the Australian Standards AS2890.1-2004. In this regard:-

- Grades and levels shown on the plans shall be amended to comply with AS2890.1-2004.
- Headroom clearance of 2200mm shall be ensured to comply with the Australian Standards.
- The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

Reason: to ensure that the ramp complies with Australian Standards.

46. **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 to the certifying authority, 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.

47. **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, 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.

48. **Fencing – Rental of road reserve/footpath area**

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 excavation or building works and be maintained throughout construction.

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

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

49. **Materials and Finishes**

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

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

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

50. **SEPP 65 – Design Verification**

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

- a) Works shall not commence 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 Apartment Development.
- b) The development shall not be occupied 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 issued prior to works commencing (as referenced above), having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 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.

51. **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.

52. **Plumbing – separation and containment**

Prior to works commencing, construction drawings shall be submitted to the 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.

53. **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 the Auburn Development Control Plan requirements.

54. **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 the Auburn Development Control Plan requirements.

55. **Switchboards/Service Panels**

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

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

56. **Reflectivity Index of Glazing**

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

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

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

57. **Works-as-Executed Plan**

Prior to occupation of the building, 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) Detail the volume achieved by the detention system, including the "top water level".
- vii) The basement pump-out storage volumes.

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

The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

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

58. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the certifying authority a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule.

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.

59. **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.

60. **Fire Safety Notices**

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

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

61. **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.

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

Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the certifying authority prior to works commencing.

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

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

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

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

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

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

The Section 73 Certificate must be submitted to the certifying authority prior to occupation of the development.

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

64. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.

Note:

The consent authority or certifying authority must ensure that a valid approval receipt has been obtained from Sydney Water prior to works commencing (receipt valid usually 1 year from the date of issue).

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

65. **Television Aerial/Satellite Dish**

A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

Reason: to ensure the provision of these services does not impact on the finished appearance of the development.

66. **Aboveground Power Lines**

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason: to improve the aesthetic quality of the area.

67. **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 the Auburn Development Control Plan requirements.

68. 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.

69. 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 works commencing 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.

70. 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 certifying authority prior to works commencing, and the location of the lighting endorsed on the construction drawings.

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

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

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

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

72. 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.

73. **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 to the certifying authority, prior to works commencing and endorsed on the construction drawings, and works completed prior to occupation.

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

74. **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 to the certifying authority prior to works commencing, and endorsed on the construction drawings, and works completed prior to occupation.
- 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 the Auburn Development Control Plan requirements.

75. **Sight distance**

Adequate appears adequate vertical sight distance shall be provided along the access ramp. In this regard:

- a) Appropriate measures shall be provided to improve the safety.
- a) Detail plan shall be submitted to and approved by the certifying authority.

Reason: to ensure adequate safety is provided in the access ramp.

76. **Traffic Management**

A traffic management plan prepared by a suitably qualified person shall be submitted to and approved by Council for all 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.

77. **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.

78. **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.

79. **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 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.

80. **Unexpected Finds**

If during site works significant odours and or evidence of gross contamination (including asbestos) not previously detected are encountered or any other significant unexpected occurrence materializes then site works are to cease in that area temporarily and the environmental consultant notified immediately, who shall formulate a response to the unexpected find.

Reason: to comply with the recommendations of the Remediation Action Plan.

81. **Natural and/or Mechanical Ventilation of Basement Carpark**

The basement carpark shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant Australian Standards.

Any ventilation system for the basement carpark shall not give rise to an offensive odour emission so placement / position of air outlets will need to be appropriately considered. Additionally any mechanical ventilation system shall emit noise that:

- a) When measured at any real property boundary does not exceed a noise level of more than 5 dBA above prevailing background level; and
- b) When measured at the strata boundary of any sole occupancy unit (i.e. residential balcony perimeter) within the development does not exceed a noise level of more than 5 dBA above prevailing background level; and
- c) When measured inside a sole occupancy unit with the sliding door and/or windows open is inaudible at any time.

Reason: to ensure the basement carpark is ventilated.

82. **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 issued to the certifying authority, prior to works commencing.

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

83. **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.

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

A door 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

85. **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 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 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 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.

86. **Emergency Lighting and Illuminated Exit Signs**

A complete system of emergency lighting and illuminated exit signs is to be installed throughout the building.

Reason: to assist people exiting the building in the event of power failure.

87. **Portable fire extinguishers**

Portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS2444.

Reason: to assist people in the event of a fire.

88. **Opaque glazing**

Opaque glazing shall be installed to the balustrading of the balconies.

Reason: to screen items within balcony areas, and provide an acceptable presentation, as viewed from the public domain.

89. **Landscaping podium and communal open space area**

All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision. The minimum soil depth for terraces where tree planting is proposed is 800mm. All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.

Reason: to support to the healthy growth of flora.

90. **Clothes Drying Facilities**

Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.

Reason: to encourage natural means of clothes drying in order to reduce the carbon footprint of the development, and to screen clothes drying facilities from the public domain.

91. **Street Trees**

Street trees shall be planted at a rate of one (1) tree per ten (10) lineal metres of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways. Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.

Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.

At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.

Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.

Reason: to increase planting within the centre.

92. **Visual Privacy Screens**

A screen with a maximum transparency of 20% and minimum height of 1.8 metres shall be designed and installed to the full extent of the eastern and western aspect of the private open space areas of Units C.9, C.18, C.27, C.36, C.45, C.54, & C.63. Details shall be submitted to the certifying authority, prior to works commencing.

Reason: to ensure visual privacy is maintained to an acceptable level.

93. **Acoustic Privacy Treatment**

The alcove areas designed to the development shall be acoustically treated, as per the endorsed Acoustic Report Letter prepared by Wood & Grieve Engineers, dated 12 August 2019. Details shall be submitted to the certifying authority, prior to works commencing.

Reason: to ensure acoustic privacy is maintained to an acceptable level.

94. **Fences**

The proposed front fence shall be designed to be 50% transparent. In addition, fences located on site or rear boundaries of the premises, behind the main building line, shall not exceed a maximum height of 1.8m, except as identified within the submitted Acoustic Report prepared by Wood & Grieve Engineers, Reference Number 39211, Revision 004, dated 13 September 2018. Furthermore, fencing and associated walls must be positioned so as not to interfere with any existing trees. Lastly, gates and doors to fences are to be of a type which do not encroach over the street alignment during operation. Details shall be submitted to the certifying authority, prior to works commencing.

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

95. **Rainwater Tanks**

Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments. Details shall be submitted to certifying authority, prior to works commencing.

Reason: to ensure the presentation of any proposed rainwater tank/s are not visually intrusive.

96. **Stormwater Disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Church Street.

Reason: to prevent localised flooding.

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

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to the certifying authority for approval.

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 endorsed stormwater plans prepared by Wood & Grieve Engineers.
- ii. All access grates to the detention facility shall be double (2/900x450) hinged grates.
- iii. Grated pit shall be provided behind the high early discharge control pit.
- iv. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- v. A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.

Reason: to ensure the stormwater is suitably discharged.

98. **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.

99. **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 the certifying authority, prior to works commencing.

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.

100. **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 "the Auburn Development Control Plan 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 NSW Land Registry Services. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building.

Works as executed plan(s) and engineers certifications shall be submitted to and approved by Council prior to the endorsement of the Positive Covenant.

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

101. **Engineer Certificate for pump**

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

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

102. **Basement Drainage System**

Basement drainage is to comply with the following criteria:-

- a) Two pump units being installed, the capacity of each being calculated on the basis of a fifty year storm recurrence interval and a storm duration of 6 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 fifty 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.

A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.

- d) The pump out system is to be independent of any gravity drainage 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.
- e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 150mm above the level of the surrounding area to achieve additional freeboard above the water level.
- f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason: to prevent localised flooding.

103. **Ramp gradients**

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detailed longitudinal sections of the ramps to a scale of 1:20, shall be submitted to and approved by the certifying authority prior works commencing.

Copy of the approved plan shall be submitted to Council.

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

104. **Headroom clearance along the ramp**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with minimum 2.2m headroom clearance shall be provided. In this regard detailed longitudinal sections of the ramps to a scale of 1:20, shall be submitted to and approved by the certifying authority prior to works commencing.

Copy of the approved plan shall be submitted to Council.

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

105. **Minimum Headroom- adaptable parking spaces**

Head room clearance within accessible parking shall be minimum 2500mm to comply with AS2890 requirements. Headroom shall be measured clear of any beams and service ducts. Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the certifying authority prior to works commencing.

Reason: to ensure headroom complies with AS2890.

106. **Maintenance schedule – OSD**

Prior to occupation, 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

107. **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.

108. Works-as-Executed Plan – Drainage Plans

Prior to occupation of the building, 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.

109. 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.

110. 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 occupation.

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.

111. 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 occupation.

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

112. 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.

113. 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.

114. 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.

115. Redundant driveway

Prior to occupation, 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 pre-payment of 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.

116. Works within Council controlled lands

1) For drainage works:

a) Within Council controlled lands.

b) Connecting to Council's stormwater drainage system. Inspections will be required:-

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

117. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the endorsed architectural plans, shall not be used for any other purpose.

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

118. 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.

119. 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.

120. 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.

121. Footpath Construction – Church Street

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

- Detail footpath design shall be submitted and approved by Council's Works and Services section prior to works commencing.
- Street boundary levels obtained from Council shall be incorporated in the design.

- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to occupation.
- 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.

122. Construction Plan for Proposed Roundabout

Prior to works commencing, a detailed construction plan for the proposed roundabout at the intersection of Martin Street and Church Street shall be submitted to Council for Cumberland Traffic Committee approval.

In this regard, the following shall be submitted:

- A detailed plan showing the construction details, sign and line marking shall be submitted;
- Detailed cost estimate for the proposed works shall be submitted.
- Street lighting design shall be submitted to comply with the lighting requirements.
- Detailed drainage plans shall be submitted to the satisfaction of Council.
- Details of existing and proposed service diagrams around the area of the construction.

All associated cost shall be borne by the applicant.

Reason: to facilitate traffic movements generated by the development.

123. Separate Approval – Proposed Roundabout

Prior to the commencement of the roundabout construction, a separate approval shall be obtained from Council's Manager Engineering, Traffic, Roads and Waste, following the submission of construction details, a work program, and contractor details.

Reason: to ensure limited disruption is experienced at the intersection of Martin Street and Church Street during the construction of the proposed roundabout.

124. Construction of Proposed Roundabout

Prior to occupation, the proposed roundabout shall be constructed in accordance with Council approved plan to the satisfaction of Council at no cost to Council. A detailed work as executed plan shall be submitted to Council.

Reason: to facilitate traffic movements generated by the development.

125. Use of Loading Area

Loading and unloading associated with any removalist functions are be limited to the designated loading / unloading area on site only.

Reason: to ensure road safety is maintained.

126. Waste / Recycling

The following waste / recycling conditions apply.

Waste Service Requirements

- a) The waste service requirements for the proposed development of 262 units is as follows:
- Building A (53 units) – 4 x 660 litre garbage bins and 3 x 660 litre recycling bins;
 - Building B (59 units) – 4 x 660 litre garbage bins and 4 x 660 litre recycling bins;
 - Building C (73 units) – 5 x 660 litre garbage bins and 5 x 660 litre recycling bins; and
 - Building D (77 units) – 5 x 660 litre garbage bins and 5 x 660 litre recycling bins.
- Garbage bins will be serviced three times a week, and recycling bins will be serviced weekly.
- b) The temporary bin holding area shall be able to accommodate the above waste service requirements at any given point in time.
- c) Two (2) x 240 litre bins are to be made available in each service chute room on each habitable level (240 litre recycling bins are to be made available to the property to be placed in the service chute room on each level).
- d) A bin lifter shall be made available for the life of the development, to transfer recycling from the 240 litre bins to the 660 litre bins for servicing for Buildings B, C and D.
- e) A bin tug shall be made available for the life of the development, and shall be placed within a secure location within the bin storage room.

Reason: to ensure compliance with Council's waste management requirements.

127. Compliance with Arborist Report

The recommendations of the Arboricultural Impact Assessment, including all tree protection measures as per the endorsed Tree Protection Plan, prepared by Blue Gum Tree Care & Consultancy, dated August 2019, shall be complied with at all times throughout the duration of the development. Details demonstrating compliance shall be submitted to the certifying authority for approval prior to the commencement of any site works.

Reason: to ensure the protection of existing trees on the site.

128. Tree Protection

The areas to be protected by fencing in accordance with the endorsed Arborist Report/Tree Protection Plan shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing; this must include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details.

All activities not related to tree maintenance are not to be conducted within the TPZ. The area is not to be used for the storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking.

Original soil levels within the TPZ shall not be changed, except where Council approval has been granted for cut or fill within a TPZ, and in this case the work shall be supervised by the appointed Project Arborist (AQF Level 5).

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

Where works have been approved with the TPZ of trees to be retained, no roots over 50mm in diameter are to be pruned without prior consultation with one of Council's Tree Management Officers or the appointed Project Arborist.

Reason: To ensure the protection of existing trees to be retained.

129. **Tree Protection**

The Arborist engaged to the proper protection and management of trees to be retained in accordance with the endorsed Arborist Report/Tree Protection Plan is to provide a brief report to Council concerning the health and condition of the trees, and if necessary any remedial works are required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the construction phases, in the form of site notes and photographs.

Reason: To ensure the protection of existing trees to be retained.

130. **Compliance with submitted Acoustic Report**

The noise control measures specified in the Acoustic report prepared by Wood and Grieve Engineers, Reference Number 39211, Revision 004, dated 13 September 2018 and Acoustic Response Letter prepared by Wood and Grieve Engineers, Reference Number 39211, dated 12 August 2019, shall be incorporated / installed in the building prior to occupation. This also includes the alternative method for supplying natural air to sole occupancy units per Appendix C of the Report. All noise reduction measures and noise levels for plant items not yet selected (a/c units, basement carpark ventilation, lift motors and like) shall accord with requirements of the Report.

Reason: to ensure a reasonable internal noise environment is provided for occupants of the building and to also minimise the noise impact of the development on the neighbourhood.

131. **Discovery of additional information during Earthworks**

Any new information which comes to light during earth works which has the potential to alter previous conclusions about site contamination shall be informed without delay to the certifying authority, who shall consult with Wood & Grieve Engineers or an alternate entity with suitable experience and knowledge to ascertain what action/s are then necessary

Reason: to ensure any deviation to site conditions are appropriately researched and responded.

132. **Roads and Maritime Services**

The following conditions are applied by Roads and Maritime Services.

- a) All buildings and structures, together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth),

along the Church Street boundary.

Reason: to ensure Roads and Maritime Services requirements are complied with.

133. **Sydney Trains**

The following conditions are applied by Sydney Trains.

Supervision

- a) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Survey

- b) Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and RailCorp's land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.

Noise & Vibration

- c) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the certifying authority and Council prior to works commencing. The certifying authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to works commencing.
- d) Prior to occupation, a report must be prepared and submitted to the certifying authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

Electrolysis

- e) Prior to works commencing, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the certifying authority prior to works commencing. The certifying authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to works commencing.

Design

- f) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g. awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- g) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- h) The signage shall not incorporate any green, red or amber colours.
- i) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with Sydney Trains Tree Management Guidelines and applicable policies, prepared to the satisfaction of Sydney Trains. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

Construction

- j) No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- k) No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- l) No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- m) If required by Sydney Trains, prior to works commencing, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- n) Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- o) The development shall have appropriate fencing fit for the future usage of the

development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to occupation, the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

- p) Prior to works commencing, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. Works shall not commence until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- q) No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- r) If required, prior to works commencing, the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to works commencing, the certifying authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- s) If required, prior to works commencing, the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to works commencing, the certifying authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- t) Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

Drainage

- u) The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.

Inspections

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

be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

- w) If required by Sydney Trains, prior to occupation, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. Occupation shall not occur until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- x) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- y) If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
 - site investigations;
 - foundation, pile and anchor set out;
 - set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - foundation, pile and anchor excavation;
 - other excavation;
 - surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - other concreting; or
 - any other event that Sydney Trains has notified to the Applicant.

Consultation

- z) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- aa) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- bb) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and

they can be contacted via email on Central_Interface@transport.nsw.gov.au.

Documentation

- cc) Prior to occupation, the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. Occupation shall not occur until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- dd) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to works commencing.
- ee) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- ff) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement, works shall not commence, until written confirmation has been received from those entities that the particular condition has been complied with.

Access Gate

- gg) The applicant shall not at any stage block the corridor access gate on Church Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

Power Lines

- hh) Sydney Trains advises there is are 11 and 33kV High voltage Aerial Transmission Lines in near proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
 - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
 - “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
- ii) Sydney Trains advises they have a power pole associated with the 11 and 33kV H/V aerial line adjacent to the proposed driveway, road works and round-a-bout. Prior to works commencing, the applicant is to consult with Sydney Trains and provide documentation to Sydney Trains satisfaction detailing physical barrier safety measures intended to protect the power pole for review and endorsement.

Reason: to ensure Sydney Train’s requirements are complied with.

134. **NSW Police Force**

The following conditions are applied by the NSW Police Force.

Business Identification

- a) To assist emergency services to locate the premises, it is requested for the street number to be clearly displayed at the front of the premises.

Lighting

- b) The objective of security lighting is to deny criminals the advantage of being able to operate unobserved. However, if the area does not have any guardians to overlook and view the area, then lighting will only help a criminal see what they are doing, not deter them. Higher lighting levels may be required for vulnerable areas. Adequate, uniform lighting should cover the entire property. Therefore it is imperative to ensure that light levels are appropriate for users, activities and tasks of an area.

Closed Circuit Television (CCTV)

- c) CCTV can enhance the physical security of the location and assist in the identification of people involved in anti-social or criminal behaviour. It acts as a deterrent and improves surveillance. Cameras should 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.

Signage

- d) Warning signs should be strategically posted around the perimeter of the property, particularly near entry points to warn intruders of security measures.

Example: Warning: these premises are under constant surveillance.
Warning: don't leave valuables inside your vehicle.

Directional signage should also be posted at decision making points (e.g. entry / egress points) to provide guidance to patrons whilst driving their vehicles. Knowing how and where to enter, exit and find assistance within a car park can impact perceptions of safety, victim vulnerability and crime opportunity.

Landscaping

- e) Trees and shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the business. Any obstacle or rubbish should be removed from the property boundaries, footpaths, driveways, car parks and buildings to restrict concealment and prevent offenders scaling any building within the confines of the site.

Design Features

- f) The design features will ensure no natural ladders occur whereby an offender could climb the building to gain entry through a balcony.

Fire and Safety Measures

- g) Provide adequate fire safety measures to prevent the start and spread of fire, and to ensure and promote the safety of occupants. All Australian Standards in fire safety must be adhered to in any development proposal. These standards include fire escapes, evacuation procedures, evacuation assembly point etc. A copy of these

Operating Orders must be provided to the nearest police station with contact person details.

Fire is a real concern in any high rise development. There have been recent examples of fires in high rise complexes. Illegally portioning units is a real issue and can facilitate an uncontrollable fire from which occupants may not be able to exit the building safely.

Reason: to ensure NSW Police Force requirements are complied with.