

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0182
Applicant:	Urban Link Pty Ltd Level 10 11-15 Deane Street BURWOOD NSW 2134
Property Description:	30 Kerr Parade AUBURN NSW 2144, 1/30 Kerr Parade, 2/30 Kerr Parade, 3/30 Kerr Parade, 4/30 Kerr Parade, 5/30 Kerr Parade, 6/30 Kerr Parade, 7/30 Kerr Parade, 8/30 Kerr Parade and 32-40 Kerr Parade AUBURN NSW 2144 SP 19831 and DP1230735
Development:	Demolition of existing structures and construction of a twelve (12) storey boarding house with a ground floor commercial tenancy and four levels of basement parking including associated landscaping and site works
Determined by:	JRPP/PAC acting as JRPP

CONDITIONS OF CONSENT

Deferred Commencement Conditions

DADCA01 - *Deferred Commencement Approval

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 5 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

Schedule 'A'

DC1. Creation of Right of way/ Easement for the proposed development

The applicant shall create a right of way/ easement, in favour of the subject development over adjoining lot(s) with respect to the waste collection, deliveries of goods pedestrian access, vehicular access and parking.

Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Management Authority. A copy of the registered documents of the right of way/easement shall be submitted to and approved by Council.

Cumberland Council shall be nominated as the Authority to vary or modify the easement.

Detail continuous swept path shall be submitted to show that two cars can pass each other along the circulation aisle from the street driveway entrance to parking spaces. The plan shall show all the approved parking spaces, columns, walls, surface levels and other structures within the right of way/easements.

DC2. Loading area for commercial tenancy

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

- a) Loading area within the basement shall be designed to comply with Section 4.10 of the Australian standard AS2890.1.
- b) Width of the commercial visitor parking spaces shall be minimum 2.6m.

- c) Maximum size of the delivery vehicle shall be limited to van or a vehicles approved by Australian standard AS2890.1.
- d) Loading area shall not be shared with the parking spaces.

DC3. Mechanical ventilation

Amended architectural plans addressing following shall be submitted to and approved by Council demonstrating mechanical ventilation to the carpark and for the food and beverage tenancy.

DC4. Sydney Trains requirements

The Applicant shall prepare and provide to Sydney Trains for review, comment and written endorsement 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 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 development 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 endorsement of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Schedule 'B'

General Conditions

1. General

This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.

(Reason: Advisory)

2. Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
DA-1001 C	Basement 04 and 03	Urban Link	8/7/20
DA-1002 C	Basement 02 and 01	Urban Link	8/7/20
DA-1003 C	Basement 01	Urban Link	8/7/20
DA-1004 B	Ground Floor Plan	Urban Link	22/6/20
DA-1005 C	Floor Plans Level 01	Urban Link	8/7/20
DA-1006 B	Floor Plans Level 02	Urban Link	22/6/20
DA-1007 B	Floor Plans Level 03-04	Urban Link	22/6/20
DA-1008 C	Floor Plans Level 05	Urban Link	8/7/20
DA-1009 B	Floor Plans Level 06	Urban Link	22/6/20
DA-1010 B	Floor Plans Level 07-09	Urban Link	22/6/20
DA-1011 B	Floor Plans Level 10	Urban Link	22/6/20
DA-1012 B	Floor Plans Level 11	Urban Link	22/6/20
DA-1013 B	Roof Plan	Urban Link	22/6/20
DA-1412 A	Diagram Landscape	Urban Link	26/3/20
DA-1413 B	Accessible Room Layouts	Urban Link	22/6/20
DA-1413	Level 01 and 05 Detail	Urban Link	8/7/20
DA-2001 B	Elevations - North and South	Urban Link	22/6/20
DA-2002 B	Elevations East	Urban Link	22/6/20
DA-2003 B	Elevations - West	Urban Link	22/6/20
DA-2004 B	Elevations - Streetscape	Urban Link	22/6/20
DA-3001 C	Sections AA	Urban Link	8/7/20
DA-3002 B	Sections BB	Urban Link	22/6/20
DA-3003 C	Sections CC and DD	Urban Link	8/7/20
DA-3004 B	Sections Tree Details	Urban Link	22/6/20
DA-9001 B	Finishes Schedule	Urban Link	22/6/20
DA-9002 B	3D Perspective	Urban Link	22/6/20
DA-9003 B	3D Entry	Urban Link	22/6/20
SW100 D	Cover Sheet	SGC	15/6/20
SW200 D	Stormwater Concept Design – Basement Plan	SGC	15/6/20
SW201 D	Stormwater Concept Design – Ground Floor Plan	SGC	15/6/20
SW202 D	Stormwater Concept Design – Roof Plan	SGC	15/6/20
SW300 D	Stormwater Concept Design – Details Sheet	SGC	15/6/20
SW400 D	Erosion and Sediment Control – Plan and Details	SGC	15/6/20
SS20-4337 000 E	Landscape Coversheet	Site Image	15/7/20
SS20-4337 101 C	Landscape Plan Ground Floor	Site Image	16/6/20

SS20-4337 102 E	Landscape Plan Typical Level 1 and 5	Site Image	15/7/20
SS20-4337 103 C	Landscape Plan Typical Level 2 and 6	Site Image	16/6/20
SS20-4337 104 C	Landscape Plan Level 10	Site Image	16/6/20
SS20-4337 501 A	Landscape Details	Site Image	17/3/20
7920455	Arboricultural Impact Statement	TALC	19/3/20
Cert. No.1087135M	BASIX Certificate	Carisma Constructions	30/4/20
E24594.E01 Rev1	Preliminary Site Investigation	EI Australia	20/3/20
7920463	Amended Waste Management Plan	Dickens Solutions	June 2020
20-009 B	Accessibility Report	Access Link Consulting	20/3/20
7920503	Plan of Management	Urban Link	26/3/20
1020036 R01F	Acoustic Report	Acoustic Works	17/3/20
WF371-1F02(REV0)	Pedestrian Wind Environment Statement	Windtech	9/3/20
	General Terms of Approval	Transport NSW – Sydney Trains	26/8/20

(Reason: To confirm and clarify the details of the approval)

3. Integrated Development Approval

Since the development is classified as “integrated development”, the following approval bodies have given their general terms of approval:

Ausgrid

Transport for NSW

The issued general terms of approval must be fully complied with at all times.

(Reason: Statutory compliance)

4. Construction within Boundary

All approved construction including but not limited to footings, walls and guttering shall be constructed wholly within the boundaries of the site

(Reason: To ensure compliance with approved plans)

5. Separate Approvals

Separate Development Approval shall be obtained for the occupation of the commercial tenancy.

(Reason: To control the future development of the site)

6. Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work.

Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

If demolition is associated with the erection of or extension to an existing building, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

7. Australia Post Guidelines

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

8. Food Premises –Design, Construction and Fitout of Food Premises

The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 *Design, Construction and Fitout of Food Premises*.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards).

9. Street Numbering of Lots and Units

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council. Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of property for emergency services and mail deliveries)

10. Telecommunications/ TV Antennae

No more than one telecommunications/TV antenna is to be installed to each dwelling/building.

(Reason: To prevent the proliferation of telecommunications/TV antennae)

11. Mechanical Ventilation

The premises must be suitably ventilated in accordance with the *National Construction Code 2019* and AS1668.1 and 2 - 2012. *The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.

(Reason: To ensure compliance with ventilation standards)

12. Waste Management

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction phases of the development.

(Reason: Compliance with approval)

13. 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.)

14. Sediment control

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

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

15. 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)

16. Basement drainage system - subsoil

Basement drainage is to comply with Council's development control plans. In this regard

- i) 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.
- ii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- iii) 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.
- iv) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- v) The contributing catchment area to the pump out system is to be limited to subsoil drainage.

Conditions which must be satisfied prior to the commencement of demolition of any building or structure

17. Construction Certificate - Prior to the Commencement of any Demolition Works

In circumstances where an entire building or structure is to be demolished prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb and gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing.

(Reason: Statutory requirement)

18. Demolition – General

- (a) Two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to Council. Such written notice is to include:
 - The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - A copy of the notification issued to adjoining residents including the date the notice was delivered.
 - The licence number of the demolisher, and relevant SafeWork licenses, (see minimum licensing requirements in (d) below, and
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- (b) Demolition work is to be carried out in accordance with AS 2601-2001 The Demolition of Structures.
- (c) Demolition works are restricted as follows:
 - Monday to Friday inclusive - 7:00am - 6:00pm
 - Saturdays, Sundays and Public Holidays - No demolition work
- (d) At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of the SafeWork NSW Hotline - 13 10 50.
- (e) Demolition work must not commence until Council has inspected the site and is satisfied that all pre-demolition conditions have been satisfied.
- (f) Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

19. Demolition - Asbestos

Asbestos to be removed by a licensed asbestos removalist

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m² or less of non-friable asbestos (approximately the size of a small bathroom).

- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

NSW Work Health and Safety Act and Regulation 2011;

Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]

NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;

NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

20. Asbestos Clearance Certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

21. Notification of Asbestos Removal Works

At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

22. Barricades for Asbestos Removal

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

23. Site Safety Fencing - Demolition Only

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and maintained.

(Reason: Public safety)

24. Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made to arrange the inspections.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

25. Tree Preservation

All street trees and trees on private property that are protected under Cumberland Council's controls, shall be retained and protected in accordance with AS 4970 – 2009 'Protection of Trees on Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

26. Demolition, Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Plan must include but not be limited to the following:-

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA *Interim Construction Noise Guideline* (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

27. Sediment and Erosion Control measures

Prior to the commencement of 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 in suitable locations below the construction area to reduce impacts on waterways.
- (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 or waterways.
- (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. Stockpiles shall be protected with adequate sediment controls.

- (h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

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

(Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site)

Conditions which must be satisfied prior to the issue of a Construction Certificate

28. Application for a Construction Certificate

Construction work must not commence until a Construction Certificate has been obtained from Council or an Accredited Certifier.

(Reason: Statutory requirement)

29. Fire Safety Report

Submit a fire safety report from a suitably qualified Fire Safety Engineer for the subject premises, which has been prepared by an accredited C10- Fire Safety Engineer or by an A1- Accredited Certifier (Unrestricted) detailing all non-compliances with the current requirements of Sections C, D, E, G and H of the Building Code of Australia (National Construction Code Series).

The report will need to rationalise the non-compliances and clearly recommend in the conclusion all works required to be completed at the premises. The report will also need to provide a schedule of existing and proposed essential fire safety measures and address the need to carry out in accordance to the Report's recommendations. Prior Construction Certificate issued.

An alternative solution complying with the Building Code of Australia may be considered.

(Reason: Ensure adequate fire safety)

30. Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the construction certificate.

(Reason: To ensure compliance with the requirements of the National Construction Code)

31. Works within Boundary

No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

32. Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

Council may use part or all of the deposit to carry out rectification work for any damage caused by the development to Council's infrastructure.

(Reason: To protect Council infrastructure)

33. Payment of Bonds, Fees and Long Service Levy

The Principal Certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

34. Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Cumberland Local Infrastructure Contributions Plan*, is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of

the *Cumberland Local Infrastructure Contributions Plan* can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

35. Fees to be paid to Council prior to issue of the Construction Certificate

Demolition Inspections	Applicable Fee
Damage Deposit	\$2,995.00
Sect. 7.11 Contributions	\$741,894 + CPI
Traffic Management Plan	\$211.50 initial fee
Cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. (This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.)	\$1,500.00
Cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. (This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.)	\$1,000.00

Please note that other fees and charges may be applicable to the proposal, and the fee calculated at the time of payment may exceed the figures detailed above.

(Reason: Statutory requirement and information)

36. Requirements of Sydney Trains

- 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 Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 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 TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate 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. The Principal Certifying

Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (f) Prior to the issuing of a Construction Certificate 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. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (g) 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.
- (h) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team 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 External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal 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.
- (i) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team 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 issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(Reason: General Terms of Approval of Sydney Trains)

37. Photographic Record of Council Property - Damage Deposit

The applicant shall submit to Council prior to demolition commencing and/or issue of any Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site.

The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage occurred during the course of construction, Council may require either part or full re-instatement.

Failure to provide a full photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

(Reason: Maintain public assets)

38. Parking layout and commercial loading area design

Amended plan addressing following shall be submitted to and approved by principal Certifying Authority:

- a) Loading area within the basement shall be designed to comply with Section 4.10 of the Australian standard AS2890.1.
- b) Maximum size of the delivery vehicle shall be limited to van or a vehicles approved by Australian standard AS2890.1.
- c) Loading area shall not be shared with the parking spaces.
- d) Width of the commercial visitor parking spaces shall be minimum 2.6m.
- e) Convex safety mirrors shall be provided in all the basement parking entrances in order to improve the sight distance.
- f) Bollard shall be provided in the accessible parking shared zone in accordance with Australian standard AS2890.6 requirements.

- g) Detail continuous swept path shall be submitted to show that two cars can pass each other along the circulation aisle from the street driveway entrance to parking spaces. The plan shall show all the approved parking spaces, columns, walls, surface levels and other structures within the right of way/easements.

(Reason: to ensure commercial loading area and parking layout comply with Australian standard AS2890.1 and AS2890.6)

39. Convex safety mirror

Convex safety mirrors shall be provided in all the basement parking entrances in order to improve the sight distance. In this regard,

- a) Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate.**
- b) Convex safety mirrors shall be maintained in good condition.

(Reason: to improve the sight distance.)

40. Stormwater disposal

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged by gravity system as per approved plans. In this regard,

- a) The proposed stormwater system shall be generally in accordance with the stormwater concept plans SW100 to SW300 issue D dated 15. 06. 2020 prepared by SGC.
- b) The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, approved OSD plan and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
- i. OSD shall be located within open area. In this regard OSD shall be clear of enclosed stairs area.
 - ii. OSD design shall be updated with PSD value of 150L/s/ha.
 - iii. Additional grates shall be provided behind the flap and at the ends of the tanks.
 - iv. OSD shall be clear of any habitable floor areas.
 - v. Stormwater runoff from the manoeuvring area including access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
 - vi. High early discharge control shall be provided as per council's DCP requirements.
 - vii. Dry platform and weep hole details shall be clearly shown on the plan
 - viii. Maximum spacing between the access grates over the OSD tank shall not exceed 6.0m.
 - ix. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
 - x. Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.

(Reason: to prevent localised flooding)

41. Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an "Application for Property Boundary Line Levels". Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public infrastructure)

42. Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

43. Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent 30 Kerr Parade, Auburn including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue of the Construction Certificate.

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

Note: Driveway construction will require a separate approval vehicular crossing and road works.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

44. Vehicular Crossings, Redundant Vehicular Crossings and other Works

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer.

A separate Council approval is required and in this regard the applicant must lodge an application (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to the issue of the Construction Certificate.

This application will also be required where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed and/or required.

(Reason: To ensure appropriate access to the site can be achieved)

45. Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

(Reason: Safety & information)

46. Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

In accordance with Section 138 of the Roads Act 1993 and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

47. Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited Certifier providing details of the following:

- (a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

48. Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

49. On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650 mm for shrubs and trees and 300 mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's current *Waterwise Policy*. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

50. Bicycle Storage Provision

Provision for bicycles shall be in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009 and designed in accordance with the Auburn Development Control Plan for Bicycle Parking. Details shall be submitted prior to the issue of the Construction Certificate.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Auburn DCP)

51. Off Street Car Parking - Multiple Use Buildings

The following car parking and service vehicle requirements apply:-

- (a) 64 car spaces shall be provided on the development site.
This shall comprise of:-
 - 58 spaces for boarders;
 - 1 space for the boarding house manager; and
 - 5 commercial/retail premises spaces.
- (b) 4 car parking spaces for people with mobility impairment/disabilities in accordance with the relevant Australian Standards.
- (c) All car spaces shall be allocated and marked according to this requirement.
- (d) If the development is to be strata subdivided, the car park layout must reflect the above allocation and be part of the entitlement of that strata lot.
- (e) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (f) The parking bays shall be delineated by line marking.
- (g) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents or commercial/business/retail premises located within the development.

The following traffic control measures shall be implemented on site:-

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

52. Parking layout

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing the all necessary dimension shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** Copy of the approved plan shall be submitted to Council.

(Reason: to ensure Parking layouts comply with Australian Standard AS28890.1:2004.)

53. Minimum Headroom- adaptable parking spaces

Headroom clearance within accessible parking shall be minimum 2500mm to comply with AS2890.6 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 Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure headroom complies with AS2890.)

54. Ramp gradients

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

(Reason: to ensure the access ramp comply with Australian Standard AS28890.1:2004.)

55. Headroom clearance

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890.1:2004 minimum 2.2m headroom clearance shall be provided.

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

56. Translucent Glazing for Privacy in Wet Areas

Translucent glazing must be installed in all bathroom, ensuite and toilet windows.

(Reason: Amenity)

57. Substation /Fire Hydrant Boosters

No approval is granted or implied for any encasing structures (i.e., blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

(Reason: Streetscape amenity)

58. Site Cranes

Site Crane/s and hoist/s proposed within the boundary of the land being developed must comply with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts of these standards.

Cranes must not swing or hoist over any public place unless the *principal contractor* or *owner builder* have the relevant approval under the *Local Government Act 1993*, *Crown Lands Act 1989* or *Roads Act 1993*.

(Reason: Safety and statutory compliance)

59. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist" and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

Please note that where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

60. Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "On-site Stormwater Detention Policy" and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

61. Construction or Redirection of a Stormwater Drainage System

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of an overland flow path, pit, pipeline of a specific size, material and location, approved by Council.

Where consent is granted for the changes to a drainage line or system, Engineering Plans in accordance with Council's "On-site Stormwater Detention Policy" shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Protection of existing drainage infrastructure)

62. Engineering Design – Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:-

a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the Principal Certifier, 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 Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.

c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.

d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors 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 Principal Certifier 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 occurring to adjoining premises)

63. 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)

64. Dilapidation Report

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site as part of this approved development. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be completed and submitted to the owner/s of the affected property/ies, Council and the Principal certifier prior to undertaking any works that may cause damage. All costs shall be borne by the applicant/person acting on the consent.

The Dilapidation Report is to be prepared by a suitably qualified practising engineer.

Please note:

- a) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- b) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

(Reason: To ensure there is an adequate record of the state of neighbouring properties prior to works commencing on site)

65. Structural Engineer's Details

Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Accredited Certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

66. Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Acoustic Works dated 17 March 2020 reference 1020036 R01F.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To ensure appropriate noise attenuation measures are used)

67. Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- (a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- (b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- (c) A hot and cold hose cock shall be provided within the room.

A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

68. Food Premises – Detailed Plans

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards prior to the issue of the Construction Certificate.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

69. Mechanical Ventilation – Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *National Construction Code 2019*, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with *AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, the *National Construction Code* and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

Conditions which must be satisfied prior to the commencement of any development work

70. Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been obtained from a Certifier.
- (b) the person having the benefit of the development consent has:
 - i. appointed a principal certifier for the building work, and
 - ii. given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- (c) the principal certifier has, no later than 2 days before the building work commences:
 - a. notified the Council of his or her appointment, and
 - b. 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
- (d) the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- (e) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifier of 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

(Reason: Statutory requirements)

71. Requirements of Sydney Trains

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.

(Reason: General Terms of Approval of Sydney Trains)

72. Site Safety Fencing

Erect site fencing to a minimum height of 1.8m, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

(Reasons: Statutory requirement and health and safety)

73. Principal Certifier Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- (a) The Principal Certifier by showing their name, address and telephone number;
- (b) The Principal Contractor (if any) by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- (c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, and must be removed when the work has been completed.

(Reason: Statutory requirement)

74. Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

The Principal Certifier must ensure that the plans have been approved through the Sydney Water 'Tap in' process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

75. Toilet Amenities for People Working at the Site

Suitable toilet amenities are to be provided at the work site at all times. If a temporary toilet 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 amenities are provided for workers)

76. Notice of Requirements from Sydney Water

Following application to Sydney Water, they will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. The Notice of Requirements letter must be submitted to the Principal Certifier before the commencement of works.

(Reason: To comply with statutory requirements)

Conditions which must be satisfied during any development work

77. Construction Hours

No construction or any other related activities including the delivery of materials to the site shall be carried out on the site outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm Saturdays. No work is to occur on Sundays and public holidays.

Note: Demolition work is not permitted on weekends or public holidays- refer to specific demolition conditions for approved hours.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 6.00 pm Monday to Friday.

(Reason: To minimise impacts on neighbouring properties)

78. Requirements of Sydney Trains

- (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.
- (b) The Applicant/Developer shall not at any stage block the corridor access gate(s) on Kerr Parade, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- (c) 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.
- (d) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- (e) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- (f) 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.
- (g) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, 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.
- (h) 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 Interface Management 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.

(Reason: General Terms of Approval of Sydney Trains)

79. Dust Control

The following measures must be implemented (in part or in total) as directed by Cumberland Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland Council.

(Reason: To prevent the movement of dust outside the boundaries of the site)

80. Site Management

All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

81. Overhead Powerlines

- (a) Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
- (b) The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
- (c) It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
- (d) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(Reason: Ausgrid requirement)

82. Acid Sulphate Soils

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulfate Soil (PASS) or Actual Acid Sulfate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

(Reason: Environmental protection)

83. Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.

(Reason: Compliance with condition of consent)

84. Stamped Plans

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

85. Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified, transported, and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and NSW EPA requirements.

(Reason: To ensure controls are in place for waste management)

86. Notification of new contamination evidence

(a) Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland Council.

(b) Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.

(c) Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an Occupation Certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Cumberland Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

87. Excavation Pump-out

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of Cumberland Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Fresh and Marine Water Quality and the NSW Department of Housing, Managing Urban Stormwater – Soils and Construction 2004.

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative approved means.

Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental amenity)

88. Concreting Basement and lower ground floors

Prior to concreting, the basement floor levels and the lower ground floor level shall be checked against the approved floor levels of the easement/right of way within the adjoining site by a registered surveyor in order to ensure that the access through the adjoin easement(s)/right of way(s) are maintained.

Surveyor's written approval shall be submitted to and approved by Principal Certifying Authority prior to carry out pour the concrete.

(Reason: to ensure basement floor levels and the lower ground floor levels match with the approved levels within the easement/right of way.)

89. Road and Footpath Opening Permit

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road and Footpath Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered separately by the 'Application for Vehicular Crossing and Road Works' or the 'Application for Street Drainage Works Approval'.

(Reason: Maintain public asset)

90. Arborist Inspections

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and ensure tree protection conditions of this consent, and recommendations of the endorsed arborist report are complied with throughout the duration of the development. This requires the arborist supervising works/attending the site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

- (g) methods of excavation or construction used to carry out the works;
- (h) any damage sustained by the tree/s as a result of the works;
- (i) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- (j) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

(Reason: Qualified assessment of impact of works on trees to be retained)

91. Pruning Adjoining Trees

Subject to the adjoining owners consent, permission is granted for the selective pruning of overhanging branches from the trees located on the adjoining school property:

This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where compliance with AS 4373 - 2007 'Pruning of Amenity Trees' requires entrance to a neighbouring property it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by an AQF Level 3 Arborist.

(Reason: Tree preservation and amenity of neighbouring property)

92. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

(Reason: Protection of infrastructure, safety & information)

93. Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).

(Reason: Prescribed statutory control)

94. Progress Survey - Major Development (greater than two stories)

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;

- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Accredited Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

95. Air Conditioning Units – Location

Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

96. 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)

97. Anti-Graffiti Coatings

The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

98. Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifier is required to be satisfied, amongst other things, that:

- (a) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (b) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: A new building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

99. Requirements of Sydney Trains

- (a) If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (b) Prior to the issuing of an Occupation Certificate 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 TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: General Terms of Approval of Sydney Trains)

100. Final Clearance

A final clearance is to be obtained from the relevant energy service provider if clearance has not previously been obtained.

(Reason: To ensure power is available for the site)

101. S73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new subdivision with water, wastewater and stormwater facilities).

102. Engineers Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Accredited Certifier. This certificate shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant standards/codes.

(Reason: Structural certification)

103. Height

The maximum height of the proposed development shall be A.H.D. 57.80. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the LEP height of buildings development standard)

104. Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that 6 rooms (rooms 1.06, 2.06, 3.06, 4.06, 5.06, 6.06, have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(Reason: To ensure the units are constructed in accordance with the required level of adaptability).

105. Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Accredited Certifier.

- (a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- (b) Approved verses installed Drainage Design (OSD) Calculation Sheet. And
- (c) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor.
- (d) Street drainage system and drainage system within the easement shall be incorporated in the work as executed plan.
- (e) Overland flow path and piped overland flow system details shall be shown on the plan.
- (f) Checklists A3, A4 & A5 shall be completed and certified by the practicing hydraulic engineer and registered surveyor. Check lists can be found at Auburn Council's web page

The abovementioned Certificate is to certify that:

- i. the stormwater drainage system, and/or
- ii. the car parking arrangement and area including circulating ramps, and/or
- iii. any related footpath works, and/or
- iv. the basement mechanical pump and well system, and/or
- v. the proposed driveway and layback, and/or
- vi. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

(Reason: Asset management)

106. 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)

107. Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

- (a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- (b) Reconstruct existing public drainage pit/pipe system, and/or

- (c) Construct a new vehicular crossing, and/or
- (d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: To preserve Council's assets and amenity)

108. Construction of Concrete Footpath

A full width concrete footpath shall be constructed to replace adjacent to the front of the property as per Council's requirements.

The above works must be constructed prior to the release of any Occupation Certificate.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

(Reason: To preserve Council's assets and amenity)

109. Mechanical Ventilation – Certificate of Completion

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the *National Construction Code 2019*, must be submitted to the Principal Certifier.

(Reason: To ensure correct installation of mechanical ventilation systems)

110. Certificate of Test of Mechanical Ventilation

On the satisfactory completion of work and prior to the issue of an Occupation Certificate, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifier from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

111. Acoustic Verification Report

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- (a) All recommendations contained in the DA acoustic report prepared by Acoustic Works dated 17 March 2020 reference 1020036 R01F have been implemented, and
- (b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

***Note:** Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To protect residential amenity)

112. Boarding House Accommodation – Registration and Caretaker

Prior to the issuing of any Occupation Certificate, Council must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(Reason: Amenity and public safety)

113. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- (a) Forwarded to Cumberland Council;
- (b) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- (c) Prominently displayed in the building.

(Reason: Fire safety)

114. Arborist's Report - Follow up

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate. This report must document:

- (e) methods of excavation or construction used to carry out the works;
- (f) any damage sustained by the tree/s as a result of the works;
- (g) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- (h) any future or on-going remedial work required to be carried out to ensure the long-term retention of the tree/s.

(Reason: Ensure survival of trees to be retained)

115. Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the Auburn Development Control Plan", prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

116. Covenant & Restriction as to User for Stormwater Controlled Systems

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/mechanical pump-out system/ charged lines, which are related to the OSD system.

117. OSD Identification Plate

Prior to the issue of a Final Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the On-site Stormwater Detention (OSD) system. This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The wording and plate shall be in accordance with Council's standard requirements.

(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)

118. 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.)

119. Maintenance schedule – OSD

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

(Reason: to ensure the onsite detention facility is in good working order.)

120. Security measures

(a) Closed Circuit Television (CCTV)

Cameras should be installed at entry/exit points of the building 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.

(b) Signage

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

(Reason: CPTED measures)

Conditions which must be satisfied during the ongoing use of the development

121. **Waste & Recycling Collection**

Garbage and recycling must be collected from the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

122. **Business/Trade Commercial Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables)

123. **Removal of Litter and Graffiti**

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

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

(Reason: To maintain a satisfactory level of amenity in the locality)

124. **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.)

125. **Loading**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

126. **Plan of Management**

The use must always be operated and managed in accordance with the Plan of Management, prepared by Urban Link dated 26 March 2020 reference 7920503 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(Reason: To protect residential amenity)

127. **Boarding House - Use & Operation**

The construction and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including (but not limited to):

- (a) Local Government (General) Regulation 2005 under the Local Government Act 1993
- (b) Public Health Act 2010
- (c) Boarding Houses Act 2012
- (d) Boarding Houses Regulation 2013

(Reason: Statutory compliance)

128. Maximum number of Boarding Rooms and Lodgers

The maximum number of occupants (including on site manager) shall not exceed 279 at any time.

(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time)

129. Registration of Boarding House (Boarding House Act 2012)

The approved Boarding House must be registered with NSW Fair Trading within twenty-eight (28) days of commencing operations. Details about the Boarding Houses Register and the registration process are available on the NSW Fair Trading website. Boarding House owners/operators are also required to lodge an Annual Return within 28 days of the 12 month anniversary of the date of the initial registration. Should the premises cease operating as a Boarding House, NSW Fair Trading must be notified of such within 28 days of the cessation of the use.

(Reason: Registration and notification to relevant authorities)

130. Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building

(Reason: Fire safety)

131. No speakers or Amplified Sound Equipment Outside

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

132. Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

133. Parking

64 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

134. Vehicle Access

All vehicles are to enter and exit the site in a forward direction.

(Reason: Traffic and pedestrian safety)

135. Limit of the delivery vehicles

Vehicles making deliveries to the premises shall be limited to light vehicle such as van and/or vehicles approved in Australian standard AS2890.1.

(Reason: to ensure delivery trucks use approved loading area and enter/exit the site in a forward direction and vehicle swept path are clear of street parking spaces.)

Advisory Notes

Please note: the following may not apply to all consents

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please, contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works, which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443 or <https://www.telstra.com.au/consumer-advice/digging-construction/relocating-network-assets>.

Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must agree prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence, the Community Justice Centre (CJC) can provide mediation. See the CJC website for more information – cjc.justice.nsw.gov.au

Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.

Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification until Council issues an amended consent.

Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of six months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after six months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed timeframe including the statutory requirement for public notification. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for such a review.

Right of Appeal

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

Signage Approval

A separate development application for any proposed external signs must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signage which is 'Exempt Development'.

Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW website at safework.nsw.gov.au/your-industry/construction, or phone 13 10 50.

Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier and any Service Agreement, the Environmental Planning and Assessment Act 1979 (Act) and the Regulations.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any Service Agreement.

Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)

Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
Prior to covering any stormwater drainage connections;
After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (d) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (b) Prior to covering any stormwater drainage connections; and
After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)