

---

**CONDITIONS OF DEVELOPMENT CONSENT**

---

DA No: DA-500/2016/A  
 Property: 75 Graham Street, BERALA (AUBURN)  
 Description: Section 4.55(2) modification application for changes to the stormwater plans and changes to the design to address the deferred commencement consent conditions DC1, DC2, DC3 and DC4.

---

**A. Delete Deferred Commencement conditions as follows:**

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

~~Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 80(3) of the *Environmental Planning and Assessment Act 1979*, this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.~~

**DC1. Stormwater Disposal**

~~Stormwater runoff from the development shall be discharged to Cambridge Street by gravity system through downstream easement. In this regard,~~

- ~~a) A minimum 1.2m wide drainage easement to drain the site by gravity to Cambridge Street through downstream/adjoining site(s) shall be registered with Land and Property Information.~~
- ~~a) Cumberland Council shall be nominated as authority to vary or modify the above easement.~~
- ~~b) Copy of the registered ‘transfer granting easement’ document shall be submitted to and approved by Cumberland Council.~~

~~Reason: to ensure appropriate easement is created for stormwater disposal.~~

~~[Deferred commencement condition DC1 deleted by Section 4.55 modification DA-500/2016/A]~~

**DC2. Amended Stormwater Plans**

~~A detailed stormwater plan to comply with “Auburn Development Control Plans 2010—Stormwater Drainage” and “Australian Rainfall & Runoff 1987” shall be submitted to Council for assessment and approval. Details shall be prepared by a suitably qualified practising Civil/Hydraulic Engineer. In this regard,~~

- ~~• All stormwater runoff generated from the subject property shall be collected within the site and directed towards Council’s system via the proposed easement to Cambridge Street.~~
- ~~• An onsite detention facility shall be provided and all runoff generated within the subject development shall be directed towards the OSD prior to drain via the system within the obtained easement.~~
- ~~• Pipe within the easement shall be designed to 100 Year ARI event.~~

~~Reason: to prevent localised flooding.~~

[Deferred commencement condition DC2 deleted by Section 4.55 modification DA-500/2016/A]

**DC3. Amended Architectural Plans**

The balconies attached to Boarding Room 5, 6, 7 and 8 shall be removed. In this regard, all associated sliding doors shall be amended to become standard windows with privacy screen affixed to the outside of the windows. The privacy screen must face the affected side or rear boundaries and have a minimum density of 85%.

[Deferred commencement condition DC3 deleted by Section 4.55 modification DA-500/2016/A]

**DC4. Accessible Car Parking**

The architectural plans shall be amended to provide at least one (1) accessible parking space on site. The accessible parking space shall comply with AS 2890.06.

[Deferred commencement condition DC4 satisfied by Section 4.55 modification DA-500/2016/A]

In accordance with clause 95(3) of the *Environmental Planning and Assessment Regulation 2000*, you must produce evidence to the Council within a period of **730 days**, sufficient enough for Council to be able to be satisfied of the above matters.

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

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

**B. Amend the following conditions:**

**2. Approved Plans — Deferred Commencement**

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

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

<i>Plan / Doc / Drawing No.</i>	<i>Description</i>	<i>Prepared By</i>	<i>Rev</i>	<i>Dated</i>
BG_75 - A.0502	Site Analysis Plan	CiS Archi	E	01/11/16
<del>BG_75 - A.1001</del>	<del>Site Plan</del>			
<del>BG_75 - A.2001</del>	<del>Ground Floor Plan</del>			

<del>BG_75</del> A.2002	<del>First Floor Plan</del>			
BG_75 - A.3001	Front & South Elevations			
BG_75 - A.3002	Rear & North Elevations			
BG_75 - A.3101	Section, Window & BASIX			
A.1001	Site Plan			
A.2001	Ground Floor Plan			
A.2002	First Floor Plan			
A.3001	Elevations			
A.3002	Elevations			
A.3101	Section, window & BASIX			
S1 and S2 of S2	Stormwater disposal and sediment control plan	Consulting Design and Inspection Engineers Pty Ltd	A (as amended by the levels (including finished levels) in revision E of the architectural plans above)	01.06.18  14.10.2016
LPDA 16 - 514/1	Landscape Plan	Concept Landscape Architects	A	Jun 2016
LPDA 16 - 514/2	Details			
LPDA 16 - 514/3	Specifications			
GTE816	Stage 1 Contamination Assessment	Ground Technologies Pty Ltd	-	21/04/16
1625	Building Code of Australia Assessment Report	Building Matters Pty Ltd	1	-
702169S	BASIX Certificate	Creations in Space	-	07/11/16
Nss22406	Acoustic Assessment	Noise and Sound Services	Final	Apr 2016
-	Draft Plan of Management	Quality Building Maintenance and Constructions Pty Ltd	1.0	03/10/16
-	Waste Management Plan		-	08/11/16

*except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act).*

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

(Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the *Environmental Planning and Assessment*

~~Act 1979).~~

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

[Condition 2 amended by Section 4.55 modification DA-500/2016/A]

10. **Motorcycle and bicycle parking spaces**

The development shall provide a minimum of two (2) motorcycle parking spaces and an area set aside for at least two (2) bicycle parking space. ***The area set aside as a Bicycle storage area behind the carport and to the north of the stairs is to be designated motorcycle parking with bicycle storage to be relocated to the eastern side of the carport, behind the proposed car spaces and must be clear of the parking envelope or be in the form of wall hung bicycle spaces.***

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

Reason:- to ensure motorcycle and bicycle parking space is provided on site on accommodate the development.

[Condition 10 amended by Section 4.55 modification DA-500/2016/A]

57. **Stormwater Disposal**

~~Stormwater runoff generated from the Regent Street frontage development shall be directed to the On-Site Detention system prior to being discharged to Cambridge Street by gravity system in accordance with the approved plan as part of deferred commencement condition.~~

***Stormwater generated from the subject development shall be directed to the western boundary and discharged by gravity system to the existing Council's underground system in Graham Street in accordance with the approved stormwater plan.***

Reason:- to prevent localised flooding.

[Condition 57 amended by Section 4.55 modification DA-500/2016/A]

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

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

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

~~The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved plan as part of deferred commencement condition.~~

~~Note: "Auburn Development Control Plans 2010—Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page [www.auburn.nsw.gov.au](http://www.auburn.nsw.gov.au).~~

***Full stormwater drainage details showing the proposed method of stormwater collection and disposal***

*are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.*

*The details shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987". In this regard,*

- i. The proposed stormwater system shall be generally in accordance with the Stormwater Disposal concept plans Proj 356 – 2 Sheets issue A dated 14.10.16 prepared by Consulting Design and Inspection Engineers Pty Ltd*
- i. OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.*
- ii. Grated access pit shall be provided behind the flap valve.*
- iii. Stormwater plan shall be updated to comply with approved architectural plans.*

Reason:- to ensure the stormwater is suitably discharged.

[Condition 59 amended by Section 4.55 modification DA-500/2016/A]

**C. Insert the following conditions:**

**2A. General Modifications**

The proposal shall be amended as follows:

- The building in the architectural plans in Condition 2 prepared by CiS Archi, revision G, dated 01.06.18 is to be reduced to the original approved height and finished levels under DA-500/2016 as per the architectural plans in Condition 2 prepared by CiS Archi, revision E, dated 01.11.16. This is also to be consistent and reflected in the stormwater plans.
- Concrete block retaining walls associated with raising of levels are to be deleted.
- A privacy screen with a minimum density of 85% must be provided to the first floor eastern rear facing window of room 8.
- An amended landscape plan is to be submitted and is to be consistent with the amended architectural plans submitted to satisfy the deferred commencement conditions. In addition the following is also to be included in the landscape plan and architectural plans:
  - The pedestrian entry path between the street frontage and the covered entry area is to have a maximum width of 1.2m.
  - All areas within the front setback not required for car turning circles or pedestrian entry paths are to be soft landscaped with a mix of plantings.
- An amended BASIX certificate is to be submitted to be consistent with any amended plans submitted to satisfy the deferred commencement conditions.

The amendments are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

[Condition 2A inserted by Section 4.55 modification DA-500/2016/A]

**65A. Surface Runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. The runoff collected within the subject site shall be directed to Graham Street to the satisfaction Council without affecting any other properties.

Reason:- to prevent adverse impact on adjoining properties.

**[Condition 65A inserted by Section 4.55 modification DA-500/2016/A]**

**65B. On Street drainage requirements**

A 375 mm diameter reinforced concrete pipe shall be constructed from the existing downstream pit on Graham Street adjacent to the Norman Street intersection.

- The proposed pipe line on the street shall be constructed prior to the commencement of any work related to stormwater drainage within the subject development site.
- The proposed pipe shall be placed under the kerb.
- A written request shall be made to council to obtain approval for the proposed pipe construction. The above request shall be made at least 30 days prior to commencement.
- A 1800 mm extended kerb inlet pit (EKIP) shall be constructed at the proposed connection from the property.
- All construction shall be in accordance with Council's standards and specifications.
- All Construction supervision shall be carried out by Council.
- All associated cost shall be borne by the applicant

Reason:- to ensure the development site can be drained during and after construction without flooding neighbouring properties and public areas.

**[Condition 65B inserted by Section 4.55 modification DA-500/2016/A]**

**65C. On street drainage design**

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

- a) Longitudinal section of the proposed stormwater outlet and on street stormwater pipe within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.

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

**[Condition 65C inserted by Section 4.55 modification DA-500/2016/A]**

**65D. On street drainage construction**

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

- a) Separate construction approval shall be obtained from Council's Engineering Section.
- a) Inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:

- i) After the excavation of pipeline trenches.
  - i) After the laying of all pipes prior to backfilling.
  - ii) After the completion of all pits and connection points.
- b) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
- c) Work is not to proceed until the works are inspected and approved by Council.

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

**[Condition 65D inserted by Section 4.55 modification DA-500/2016/A]**

**65E. Structural detailed design of the underground tank**

A detailed structural design of the proposed underground detention tank shall be submitted to the Council with the Construction Certificate.

Reason:- to ensure the structural stability

**[Condition 65E inserted by Section 4.55 modification DA-500/2016/A]**

**80A. Front Fencing**

The front and side dividing fences (where located within the front yard area) shall not exceed a height of 1.2 metres as measured above existing ground level and shall be a minimum of 50% transparent. Front and side dividing fences (where located within the front yard area) shall not be constructed of solid pre-coated metal type materials (ie Colourbond or similar).

Reason:- to maintain reasonable levels of amenity to adjoining residential development and the streetscape and to comply with Council's Development Control Plan provisions.

**[Condition 80A inserted by Section 4.55 modification DA-500/2016/A]**