

Auburn Branch

1 Susan Street, Auburn NSW 2144
PO Box 118, AUBURN NSW 1835
T 02 9735 1222 | F 02 9643 1120

Our Reference: DA-500/2016
Contact: Elizabeth Chan

Quality Building Maintenance & Constructions P/L
PO BOX 2291
BERALA NSW 2141

10 August 2017

**Notice of determination of development application (Form 4)
Deferred Commencement
(Section 80(3) - the Environmental Planning and Assessment Act 1979**

Development Application	DA-500/2016
Land to be developed	Lot D DP 339117, 75 Graham Street, BERELA NSW 2141
Proposed development	Demolition of the dwelling house and ancillary structures and construction of a new two storey boarding house comprising eight (8) boarding rooms.
Determination	Deferred Commencement Approved

A) The following "Deferred Commencement" conditions are applied and must be satisfied before the consent can operate:-

Consent is granted subject to the following "deferred commencement" conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, 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.

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.

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%.

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.

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:-**

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:

<i>Plan / Doc 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
BG_75 – A.1001	Site Plan			

BG_75 – A.2001	Ground Floor Plan			
BG_75 – A.2002	First Floor Plan			
BG_75 – A.3001	Front & South Elevations			
BG_75 – A.3002	Rear & North Elevations			
BG_75 – A.3101	Section, Window & BASIX			
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

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.

3. **Auburn DCP 2007: Section 94 Development Contributions**

A sum of \$ 16,888.78 is to be paid payable to Cumberland Council in accordance with Section 94A of the *Environmental Planning and Assessment Act 1979* and the *Auburn Council Development Contributions Plan 2007 (Amendment 1 2016)* for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework. Payment must be by EFTPOS, bank cheque or credit card only.

The above sum is broken down to the following items

Item	Amount
Community Facilities	\$ 4,164.56
Public Domain	\$9,210.92
Accessibility and Traffic	\$2,535.77
Administration	\$977.53
TOTAL	\$16,888.78

The contribution is to be paid to Council prior to the issue of a Construction Certificate.

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

Council's Development Contribution Plan 2007 is available on line at www.cumberland.nsw.gov.au/development-planning/section-94-development-contributions/.

Reason:- To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

4. **Maximum occupancy**

The boarding house is approved to accommodate a maximum of nine (9) lodgers. Boarding Rooms 1, 2, 3, 5, 6, 7 and 8 are not permitted to be occupied by more than one (1) lodger at any one time. Boarding room 4 may be occupied by two (2) lodgers at any one time.

A schedule showing the boarding room number and the number of lodgers permitted to be accommodated in each must be displayed near the entrance of the premises. The schedule shall include the name and a 24 hour contact telephone number of the owner and/or the boarding house manager. Each boarding room must be clearly numbered in accordance with the schedule.

Reason:- to confirm the terms of approvals and to comply with the requirements of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

5. **Boarding Houses Act 2012**

The use and operation of the premises shall comply with the requirements of the *Boarding Houses Act 2012* and all associated regulations and guideline. Prior to the operation of the premises as a boarding house the premises must be registered with the NSW Department of Fair Trading.

Reason:- to ensure the use and operation complies with the *Boarding Houses Act 2012*.

6. **Compliance with Acts and Regulations for shared accommodation**

The use and operation of the premises shall comply with the requirements of Part 1 Standards for places of shared accommodation in Schedule 2 Standards enforceable by Orders of the *Local Government (General) Regulation 2005* for the construction, maintenance, and operation of places of shared accommodation.

The use of the premises as a boarding house shall comply with the requirements of clause 46 regarding *Sleeping Accommodation of the Public Health Regulation 2012*.

Reason:- To ensure compliance with Acts and Regulations for shared accommodation.

7. **Occupancy Agreements**

No occupation of the premises is to occur without each boarder having a current agreement for a period of at least 3 months.

Reason:- to ensure that the premises operates within the boarding house use definition of *Auburn Local Environmental Plan 2010*.

8. **Compliance with Submitted Acoustic Report**

The recommended acoustic treatments and noise controls specified in the Acoustic Assessment prepared by Noise and Sound Services dated April 2016 (Report No. nss 22406-Final) shall be submitted with the Construction Certificate application and implemented prior to the release of the Occupation Certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

Reason: to ensure reasonable level of amenity is achieved for the development.

9. **Operational Plan of Management**

The premises shall be operated in accordance with the Draft Plan of Management prepared by Quality Building Maintenance and Constructions Pty Ltd dated 3 October 2016. Where there is any conflict between the provisions of the operational plan of management and specific conditions of this consent, the specific conditions of this consent shall prevail.

Reason:- to ensure on-going management of the boarding house is in accordance with the operational plan of management.

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.

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.

11. **Time period of consent**

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

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

Reason:- to satisfy the requirements of Section 95 of the *Environmental Planning and Assessment Act 1979*.

12. **Submission of Construction Certificate**

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the *Environmental Planning and Assessment Act 1979* requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979* and clause 142 of the *Environmental Planning and Assessment Regulation 2000*.

13. **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

14. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
 - i) appointed a principal certifying authority for the building work, and
 - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-
 - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-
- i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii) notified the principal certifying authority of any such appointment, and
 - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979*.

15. Principal Certifying Authority

- a) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
- a1) Despite subsection (a), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- b) Despite subsection (a), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- c) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
- i) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
 - ii) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
 - iii) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and

- iv) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
 - v) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- d) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Note. Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

Reason:- to comply with the requirements of Section 109E of the *Environmental Planning and Assessment Act 1979*.

16. 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.

17. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Reason:- to ensure compliance with the requirements of the *Building Code of Australia* and to comply with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

18. Insurance requirements under the Home Building Act 1989

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than \$20,000 (*or as varied from time to time by the Home Building Act 1989*).

Where the contract price or the reasonable market cost of the labour and materials involved does not exceed \$20,000, there is no legal requirement for home warranty insurance to be obtained.

Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over \$1,000.

Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds \$20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

Note: Evidence of the contract of insurance or owner builder permit, if required, must be submitted with the application for construction certificate. The construction certificate will not be released by Council unless this evidence is provided.

Reason:- to comply with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

19. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the *Building Code of Australia* (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the Construction Certificate.

Reason: to ensure compliance with the requirements of the *Building Code of Australia*.

20. **Commonwealth Disability Discrimination Act 1992**

The *Commonwealth Disability Discrimination Act 1992* commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the *Commonwealth Disability Discrimination Act 1992*.

21. **Replacement of Principal Certifying Authorities**

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

A Principal Certifying Authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 109EA of the *Environmental Planning and Assessment Act 1979* and clause 162 of the *Environmental Planning and Assessment Regulation 2000*.

22. **Notice to Allow Inspections**

To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the Principal Certifying Authority, the principal contractor for a building site, or the owner-builder, must notify the Principal Certifying Authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason:- to comply with the requirements of Clause 163 of the *Environmental Planning and Assessment Regulation 2000*.

23. **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason:- to comply with the requirements of Clause 98A and 136B of the *Environmental Planning and Assessment Regulations 2000*.

24. **BASIX Requirements**

Under Clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:-

- a) Relevant BASIX Certification means:-
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

- b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

Reason:- To comply with the *Environmental Planning and Assessment Regulations 2000*.

25. **Demolition of buildings**

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

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

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

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

26. **Demolition – Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

27. **Demolisher Details**

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
 - i) Written notice, indicating the date when demolition of the building is to commence.
 - ii) The demolisher's full name and address.
 - iii) Details of Public Liability Insurance.

- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*"; and,
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

28. **Demolition Works – noise and vibration**

The following shall be compiled with:-

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

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

29. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
 - i) *Work Health and Safety Act 2011*;
 - ii) *The Work Health and Safety Regulation 2011*;

- iii) *Protection of the Environment Operations Act 1997*
- iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
- v) *Waste Avoidance and Resource Recovery Act 2001.*
- vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
- vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
- viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the *Occupational Health and Safety Regulation 2001* under Clause 259.

Under the *Work Health and Safety Regulation 2011*, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

30. **Services to be capped**

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, e.g. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason:- to ensure all services are capped adequately.

31. **Site to be kept in a clean condition**

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

Reason: to control soil erosion, and not have any unsightly views.

32. **Neighbour 24 notification of commencement of demolition**

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

33. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757-9000 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

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

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

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

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

35. Prior to the issue of the Construction Certificate

The following structural engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the Construction Certificate:

- a) Reinforced concrete strip footings.
- b) Reinforced concrete raft slab.
- c) Suspended reinforced concrete slabs.
- d) Structural steelwork.
- e) Structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".
- f) Upper floor joist layout
- g) Retaining walls.
- h) Roof trusses.
- i) Wall/roof bracing
- j) The existing structure is to be certified as being structurally adequate to carry out the proposed additional loadings.
- k) Other.

Reason:- to ensure the building or structure and its materials and components are capable of sustaining at an acceptable level of safety and serviceability.

36. Infrastructure Fee

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

37. Maintain plans on-site

A copy of the Construction Certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

38. PCA – Inspection of works – general & site management

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

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

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

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

Advisory Note

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

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

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

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

39. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

40. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

41. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

42. **Survey Report**

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

(Setbacks and levels at commencement – new dwellings)

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

(Setbacks and levels at completion – new dwellings)

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

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

43. **Fencing of Construction Sites – Rental details to be provided to the PCA**

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

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Hoardings or fences are

to have a minimum height of 1.8m and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Note: Should any part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) before the fence/hoarding is erected.
- Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.
- Comply with Council's specifications for the erection of Class A Hoardings.

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

44. **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.

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

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

46. **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.

47. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the *NSW Interim Construction Noise Guidelines (DECCW) 2009*.

Reason:- to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

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

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

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

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

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

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by CiS Archi and endorsed plan Project No. BG_75 Drawing No. A.2001 issue E dated 1 November 2016, shall not be used for any other purpose.

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

50. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

51. **Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer.

Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

52. Vehicle Driveway Crossings and Gutter Laybacks

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any Occupation Certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

53. Carrying capacity of driveways – Heavy duty

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any Occupation Certificate.

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

54. Street boundary levels

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

55. Road opening permit

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

56. **Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

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.

Reason:- to prevent localised flooding .

58. **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.

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

Reason:- to ensure the stormwater is suitably discharged.

60. **Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with “Auburn Development Control Plans 2000 - Stormwater Drainage”. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the *Conveyancing Act 1919* is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

Note:

1. Positive covenant wording shall be obtained from Council prior to lodgement.
2. Work as executed plan shall be accompanied by relevant checklists.

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

61. **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

62. **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.

63. **Footpath Construction – Graham Street**

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

- Detail footpath design shall be submitted and approved by Council’s Works and Services section prior to the issue of a Construction Certificate.

- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpat shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation Certificate.
- All associated cost shall be borne by the applicant

Reason:- to provide a safe footpath for increased pedestrian use and one that will complement the Auburn Council requirements.

64. **Works-as-Executed Plan – Drainage Plans**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

- a) Whether all works have been completed generally with the approved drainage plans.
- b) Any departure from the approved plan and conditions.
- c) Any additional work that has been undertaken.
- d) Location, levels and sizes of pipes and pits.
- e) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- f) Basement pump out volumes.

Note: The W.A.E. surface level shall be taken after all landscaping has been completed.

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the "Auburn Development Control Plans 2000 stormwater drainage" shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

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

65. **Works within Council controlled lands**

- a) For drainage works:
 - i) Within Council controlled lands.
 - ii) Connecting to Council's stormwater drainage system.

Inspections will be required:-

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

- 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 works on public/Council controlled lands are carried out as per Council's requirements.

66. **Footpath /Nature strip maintenance during and after construction**

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council's satisfaction.

Reason:- to ensure pedestrian safety during the construction period.

67. **Submission of Design to Council - Footpath works in Graham Street**

The footpath shall be reconstructed for the full frontage on Graham Street to comply with Council's new boundary line level requirements. Design for footpath construction shall be carried out in consultation with Council's engineering section. In this regard:

- Detail design for footpath, shall be prepared in consultation with Council's engineering section and approved by Council prior to the issue of any Construction Certificate;
- Street boundary levels shall be obtained from Council and shall be incorporated in the design;
- Where required necessary end transitions shall be included beyond the street frontage on either side of the property or adjacent to the other property driveways;
- The existing nature strip area shall be re-graded as required by Council and shall be turfed.
- Details of the proposed new driveway locations shall be shown on the plans;
- Access driveways shall have a minimum 1200mm clearance to the street trees; and
- All associated cost shall be borne by the applicant.

Reason:- *to provide a safe footpath for pedestrians and to prevent damage to council assets.*

68. **Construction of footpath, kerb and gutter reinstatement – Graham Street**

Prior to issue Occupation Certificate, the new footpath for the full street frontage shall be constructed and reinstatement works shall be completed as approved by the Council. In this regard:

- Footpath construction, kerb & gutter reinstatement works shall be carried out to Council's standards and specifications and as per the footpath plan to be approved by Council's engineering section;
- All works shall be carried out in consultation with Council's engineering section and specifications;
- The existing nature strip area shall be re-graded as required by the construction requirements and shall be turfed;
- Any redundant driveways and laybacks shall be removed;

- Formwork inspection and footpath inspection shall be carried out by Council; and
- All associated cost shall be borne by the applicant.

Reason:- to provide a safe footpath for pedestrians and to prevent localized flooding.

69. **Service relocation/adjustments**

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 and Council. In this regard,

- ***Prior to commence works approvals from the relevant authorities shall be obtained by the applicant;***
- ***All service pits and lids within the footpath and access driveways shall be adjusted to match new surface levels;***
- ***And service lids/covers shall be changed to meet the changed traffic conditions as directed by the relevant service providers and their specifications; and***
- ***All costs shall be borne by the applicant.***

Reason:- to prevent damages to services and to ensure adjustments/changes are carried out to comply with specifications and directions provided by the service authorities.

70. **Traffic Management**

A traffic management plan shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development prior to commencement of work.

Reason:- to minimise the impact on street traffic.

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

Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate.

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

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

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

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au

then the "e-developer" icon or telephone 132 092.

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

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

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

73. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

74. **Television Aerial/Satellite Dish**

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

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

75. **Amenity**

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

Reason:- to protect the amenity of the locality.

76. **Water Pollution**

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

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

77. **Removal of Litter**

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.

Reason:- to maintain a satisfactory level of amenity in the locality.

78. **Use of building not to commence until conditions of consent satisfied**

The use of the premises is not to commence until all terms of this consent have been satisfied.

Reason:- to ensure compliance with the terms of the development consent.

79. **Building not to be adapted for another use**

The building is to be used for the purposes of a boarding house only and is not to be altered or adapted for another use without the prior consent of Council.

Reason:- the building has only been approved for this use and other uses require a separate approval of Council.

80. **Side/Rear Boundary Fencing**

Fences located on the side or rear boundaries of the premises, behind the main building setback (not within the front yard), shall not exceed a maximum height of 1.8m.

Reason:- to maintain reasonable levels of amenity to the adjoining premises.

81. **Fencing/gates and adjoining land**

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason:- to ensure the fence/gates do not restrict access and that encroachments do not occur.

82. **Surveillance tapes**

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

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

83. **CCTV Camera System**

The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

Reason:- to ensure that the use provides adequate visual surveillance and adequate records for the NSW Police to peruse is required.

84. **Target hardening strategies to reduce crime**

The following target hardening strategies shall be undertaken on site to assist in the reduction of crime in the locality:-

- a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime.
- b) Warning signs strategically posted in and around the premises to warn intruders of the security measures.
- c) Additional lightning be installed in and around the premises to act as a deterrent for crime. The lighting shall be installed in accordance with the Australian Standards 1158.3 1999.

The details shall be shown in the construction plans for approval by Council or the Accredited Certifier prior to the issue of a Construction Certificate.

Reason:- to reduce the incidence of late night crime in the locality and to improve public safety late at night.

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

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

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

86. **Waste and recyclables storage area**

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within

the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

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

87. **Ongoing Waste Management**

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:-

- a) Appropriate waste management practices are to be adopted within the development at all times.
- b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
- c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.
- d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
- e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason:- to ensure appropriate ongoing waste management practices within the development in accordance with Council's Development Control Plan requirements.

88. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the development consent or Construction Certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

Notes:

- a) As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
 - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

- ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
- b) A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the *Environmental Planning and Assessment Regulation 2000*.

89. **Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

- a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

Notes:

- a) As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-
 - i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
 - ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
- b) A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the *Environmental Planning and Assessment Regulation 2000*.

90. **Noise and Vibration**

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

- a) 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

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

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

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

91. **Air conditioning units – location and acoustics**

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.
- b) The operation of air conditioning units shall be so:
 - i) as not to cause “offensive noise” as defined under the *Protection of the Environment Operations Act 1997*;
 - ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
 - iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.
- c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

92. **Submission of Works-as-Executed Fire Services Plan**

A *works-as-executed* fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.

Reason:- to ensure a record of the location and type of fire safety services is documented.

93. **Occupation Certificate**

A person must not commence occupation or use of the whole or part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 109M/N of the *Environmental Planning and Assessment Act 1979*.

94. **Smoke Alarms – Class 1 Buildings**

Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the *Building Code of Australia - Housing Provisions*.

Smoke alarms must comply with AS 3786 - Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not be located in “dead-air spaces”, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the *Building Code of Australia - Housing Provisions*.

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

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

95. **Sanitary Compartment doors – All Buildings**

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

Reason:- to comply with *Building Code of Australia* F2.5 and Part 3.8.3.3.

96. Termite Protection

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

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

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

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

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

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

97. Household Type Hot Water System

The household type hot water system is to be supported on construction sufficient to carry the total mass at full capacity and is positioned to enable adequate access for operation, maintenance and removal. Roof space or otherwise concealed units are to have a safety tray and waste for the overflow. (Note: Installation in accordance with AS 1529 is considered satisfactory).

Reason:- to comply with AS 1529.

Consent to operate from :	Refer to Clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 – Date to be advised by Council following compliance with the “Deferred Commencement” conditions.
Consent to lapse on:	Five (5) years from the date of determination.
Other approvals List Local Government Act 1993 Approvals granted under s 78A(5)	Not Applicable
Right of appeal (also see note 3)	<p>If you are dissatisfied with this decision section 97 of the <i>Environmental Planning and Assessment Act 1979</i> gives you the right to appeal to the Land and Environment Court within:</p> <ul style="list-style-type: none"> • 12 months - consents lodged before 27 February 2011 • 6 months – consents lodged after 28 February 2011 <p>* section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State Significant Development or local designated development that has been the subject of a Commission of Inquiry.</p>
Signed	on behalf of the consent authority
Signature Name	Malcolm Ryan Interim General Manager
Note 1	Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.
Note 2	Clause 101 of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.
Note 3	Section 82A of the Environmental Planning and Assessment Act permits a review of the determination



CUMBERLAND COUNCIL

Civic Centre, 1 Susan Street, PO Box 118, Auburn, NSW 1835 Australia
Telephone: 9735 1222 Facsimile: 9643 1120 Email: auburncouncil@auburn.nsw.gov.au Web:
www.cumberland.nsw.gov.au

Deferred Commencement Application Form

OFFICE USE ONLY

Table with 4 columns: Fee, Receipt Date, Receipt No, Application No. Values include \$122.30 unless otherwise advised, DA-500/2016.

THIS FORM SHALL ONLY BE USED FOR APPLICATIONS THAT HAVE RECEIVED A DEFERRED COMMENCEMENT CONSENT BY COUNCIL.

DESCRIPTION OF PROPOSAL

Form with a bullet point: List the deferred commencement conditions and the information provided to satisfy the consent requirements.

LOCATION & PROPERTY DESCRIPTION

Form with instructions: This will help us to correctly identify the land. You must indicate the correct Lot and DP or SP - get these from rates notices, property deeds or if unsure, ask us for assistance. Fields for Address and Lot & DP/SP.

APPLICANTS DETAILS

Form with instructions: All correspondence relating to this application will be sent to this address. Fields for Name(s), Address, Suburb, Postcode, Phone, Fax, Mobile, Contact Person, Email, and Applicant's Signature(s).

SUPPORTING INFORMATION

- Please refer to the deferred commencement conditions of consent for submission requirements.
- You can support your application with additional material, such as photographs, aerial photographs, slides, models and plans to illustrate your proposal.
- Please list what you have attached in a separate covering letter or plan cover sheet.
- **ALL plans submitted are to be folded, not rolled.**

YOUR DECLARATION *(applicant to complete)*

I/We the undersigned hereby apply for approval to obtain operational consent described above in the plans, specifications and documents accompanying the application.

I/We undertake to carry out that development/activity in accordance with any approval granted by the Council and to conform with the provisions of the relevant Act(s), Regulations, Codes and planning instruments.

I also understand that:

- if incomplete, the application may be delayed or rejected.
- more information may be requested.
- A fee is applicable for the assessment of a deferred commencement approval or additional information provided.

I also give consent for authorised Council officers to enter the land to carry out inspections, take photographs, videos, surveys and measurements.

Name(s):

Signature(s):

Date:

PRIVACY POLICY

Some of the information that Council is collecting from you in this form is 'personal information' for the purposes of the *Privacy & Personal Information Protection Act 1998 ("PIPA Act")*. The supply of the information by you is voluntary. If you do not provide the information, Council will be unable to process your application. Council is collecting this personal information from you in order to process your application in accordance with the *Environmental Planning & Assessment Act 1979*. You may make an application for access or amendment to your personal information. The information will be retained by Council and stored in a register that can be viewed by the public at any time in accordance with the *Local Government Act 1993*. Your application may be advertised to the public for comment, in accordance with Council policies and relevant legislation. You may make a request that Council suppress your personal information from a public register in accordance with the PIPA Act. For more information about your privacy please contact Cumberland Council.

HOW TO LODGE THIS APPLICATION

Address the application to:	The Interim General Manager, Cumberland Council, PO Box 118, Auburn. NSW 1835	
Courier:	Civic Place, 1 Susan Street, Auburn. 2141	
Contact us by Phone & Fax:	Ph: (02) 9735 1222	Fax: (02) 9643 1120
Email/Web:	Email: auburncouncil@auburn.nsw.gov.au	Web: www.cumberland.nsw.gov.au
Office Hours:	8.30am-4.00pm Monday to Friday	Cash payments accepted between these hours.
Fees	Fees are calculated on a scale based on Part 15 of the Environmental Planning and Assessment Regulations. Please ask us for the fee charged.	
Payment Method	Payment is by cash or cheque. Do not send cash in the mail.	Make cheques payable to Cumberland Council. Payments may also be made through Bankcard, Visa, EFTPOS or MasterCard.
Acknowledgements	We will acknowledge that we have received your application and some fees may attract GST. These will be shown on your receipt.	
Making a personal visit?	Civic Place, Customer Service Counter, 1 Susan Street, Auburn. 2141	
PLEASE NOTE: APPLICATIONS RECEIVED BY EMAIL OR FAX CANNOT BE ACCEPTED.		