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## CONDITIONS OF DEVELOPMENT CONSENT

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**DA No:** DA-51/2019  
**Property:** 40-42A Park Road, AUBURN NSW 2144  
**Description:** Demolition of existing dwellings and construction of a six storey residential flat building comprising 32 units above two levels of basement car parking for 36 vehicles pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009

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

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this development consent will not operate until the Applicant satisfies the Council as to the matters set out in these “deferred commencement” conditions.

**DC1. Written consent from owners of the sites affected by stormwater deviation works**

Written consent from owners of the sites that are affected by stormwater deviation works shall be submitted. The consent shall also address the following matters:

- a) Details of the work and timing of the construction.
- a) Any costs/compensation associated with the works.
- b) Dilapidation report requirement.
- c) Written notice requirements.
- d) Extinction and creation of easements.
- e) Damage and compensation claim terms and conditions.
- f) Sequence of constructions.
- g) Modification to the existing fencing.
- h) Appropriate measures are incorporated to ensure any change of ownership accept the written agreement.

**DC2. Sydney Water requirements**

The applicant shall make suitable arrangements with Sydney Water for:-

- a) The relocation of the existing Sydney Water stormwater pipeline that currently passes through the subject development site and other sites as specified in Sydney Water’s letter dated 14. 12. 2018.
- b) Controlled overland flow provision for stormwater runoff events in excess of the capacity of the relocated Sydney Water stormwater pipeline.

The applicant is to provide to Council written advice from Sydney Water that suitable arrangements have been agreed with Sydney Water.

**DC3. Relocation of Sydney Water pipe**

The existing Sydney Water pipe traversing the subject site and other sites shall be

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diverted to the satisfaction of Council and Sydney Water. In this regard:-

- a) Written consent from property owners/Strata shall be submitted for the proposed works.
- a) The proposed pipe shall be sized to a minimum of 20 year ARI storm event capacity with adequate inlet capacity.
- b) Detailed plans showing the pipe size, location with invert levels and other existing services shall be submitted to Council and Sydney Water for assessment and approval.
- c) Detailed management of any local discharge connections to Sydney Water pipe including overland flow path and emergency escape route shall be addressed.
- d) All associated cost shall be borne by the applicant.

**DC4. Modification to existing easement**

Stormwater easement shall be created over the realigned stormwater pipes and proposed overland flow paths. In this regard:

- a) Written consent from owners of the affected properties shall be submitted for the proposed creation and/or modification to the easement.
- a) Draft plan showing the proposed creation and/or modification to the easement shall be submitted and approved.
- b) Receipt of lodgement of the above documents with NSW Land Registry Services shall be submitted.
- c) Prior to lodge the documents to NSW Land Registry Services, the documents shall be submitted to and approved by Council.
- d) Supporting evidence shall be submitted to show that stormwater runoff up to 100 year storm event can be drained via modified easement.

**DC5. Flood Report**

Development shall comply with Chapter 6 of Council's 'Auburn Development Control Plan 2010 – Stormwater Drainage'. In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls nominated in Table 5 Auburn Development Control Plan 2010 – Stormwater Drainage.
- a) Flood advice letter from Cumberland Council shall be incorporated in the flood report.
- b) Proposed void under the driveway shall be reviewed and modelled properly.
- c) Electronic copy of the model shall be submitted to and approved by Council.
- d) Full extend of the mitigation works shall be annotated on the plan.

**DC6. Amended drainage and architectural plans**

Amended stormwater plans addressing following shall be submitted to and approved by **Cumberland Council**.

- a) Stormwater shall be discharged by gravity system to Sydney Water pipe subject to Sydney Water approval.
- a) Sydney Water approved stormwater details incorporated in the design.
- b) High early discharge control pit shall be modified as 900x900 size pit.
- c) The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and

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"Australian Rainfall & Runoff 1987".

**DC7. Tree Protection Plan**

Elements of the proposed development, particularly the storm water layout, are within the Tree Protection Zone (TPZ) of existing trees located within the adjoining properties.

A Tree Protection Plan prepared by an AQF Level 5 Consulting Arborist is required and must be prepared on a scaled plan, showing the extent of the proposed works and their distance from the trees, and must provide Tree Protection Zone and Structural Root Zone measurements. This plan must also include specific offset measurements annotated on the plan for the location of tree protection fencing and/or any other tree protection measures to be implemented, pending recommendations of the Arborist preparing the Tree Protection Plan.

All plans are to be amended if design modification is required, as advised by the Arborist preparing the Tree Protection Plan, if it is determined that the proposed works will compromise the retention of the trees located on the adjoining properties that must be retained and protected for the duration of the development.

Impacts that may be the result of demolition, site establishment, bulk earthworks, tree pruning and construction vehicle access must be considered, with necessary inspection of trees/Arborist supervision stages listed on the plan

The Landscape Plan and Stormwater Plan are to be amended to include specific annotations regarding tree protection measures, as per the Tree Protection Plan.

The Tree Protection Plan must be written in accordance in *with AS 4970 - 'Protection of Trees on Development Sites'*, and is to be submitted to Council for assessment and comment by **Council's Tree Management Officer**.

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

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

**B) Conditions to be satisfied throughout the term that the consent remains valid:-****1. Approved Plans – Deferred Commencement**

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

<b><i>Document Title / Drawing/Report Reference</i></b>	<b><i>Prepared By</i></b>	<b><i>Revision No. / Issue No.</i></b>	<b><i>Dated</i></b>
Site Plan / A-1010	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Demolition Plan / A-1102	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Basement 02 / A-1201	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Basement 01 / A-1202	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Ground Floor / A-1203	Ghazi Al Ali Architect Pty Ltd	B	21/06/2019
Level 01 Plan / A-1204	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Level 02 Plan / A-1205	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Level 03 Plan / A-1206	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Level 04 Plan / A-1207	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Level 05 Plan / A1208	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Roof Plan / A-1209	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Elevations North & East / A-1301	Ghazi Al Ali Architect Pty Ltd	B	21/06/2019
Elevations South & West / A-1302	Ghazi Al Ali Architect Pty Ltd	B	21/06/2019

Ground Floor Landscape Plan / LPDA 19-152/1	Conzept Landscape Architects	C	15/02/2019
L4 & Rooftop Landscape Plan / LPDA 19-152/2	Conzept Landscape Architects	A	4/02/2019
Infill Affordable Calculation / A-2001	Ghazi Al Ali Architect Pty Ltd	B	21/06/2019
Details / LPDA 19-152/3	Conzept Landscape Architects	A	4/02/2019
Specification / LPDA 19-152/5	Conzept Landscape Architects	A	4/02/2019
Material Schedule 01 / A-2201	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Material Schedule 01 / A-2202	Ghazi Al Ali Architect Pty Ltd	A	6/02/2019
Waste Management Plan / 18NL254-WMP4	Loka Consulting Pty Ltd	-	1/07/2019
BASIX Certificate / 972830M	Sustainable Thermal Solutions	-	14/02/2019
Noise Assessment / 181007-01L-DD	Acoustic Consulting Engineers	-	11/02/2019
Aboriginal Assessment and Tree Management Plan	Horticultural Management Services	-	12/11/2019
Heritage Impact Statement / EP2018/0148	Edwards Heritage Consultants	C	21/02/2019
Stage 1 Contamination Assessment / GTE1778	Ground Technologies	-	12/02/2019

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

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

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

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

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

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

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

3. **Affordable Rental Housing**

For a period of at least 10 years from the date of the issue of the Occupation Certificate:

- a) A minimum of 619.17m<sup>2</sup> of the gross floor area (being units G05, 102, 103, 105, 106, 107, 205 and 503) provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009;
- b) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.
- c) A positive covenant being registered on the title to the property under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of an Occupation Certificate.
- d) The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Reason:- To ensure correct units are used as Affordable Rental Housing.

4. **Positive Covenants**

A restriction as to user must be registered, before the date of the issue of the Occupation Certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, to ensure that the requirements of Condition, requiring the use of units G05, 102, 103, 105, 106, 107, 205 and 503 (being a minimum GFA of 619.67m<sup>2</sup>) for the purpose of affordable housing under the **Affordable Rental Housing SEPP 2009**, that accommodation **must** be managed by a registered community housing provider.

Documents giving effect to the creation of a Restriction on Use must be submitted to the Council for approval prior to lodging with Land and Property Information NSW. The terms of the instruments are to be to the satisfaction of Council.

Council is to be named in the instrument as the only party authorised to release, vary or modify the instrument.

Registered title documents showing the covenants and restrictions must be submitted to and approved by Council prior to the issue of any Occupation Certificate.

The restriction to use and any associated documentation must be prepared and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining legal advice on the restriction terms, the cost and expense of negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and

registration of the required documents.

Reason:- To ensure correct units are used as Affordable rental Housing for 10 years.

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

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

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

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

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

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

6. **Auburn DCP 2007 - LGA Wide**

A sum of **\$ 188,657.96** is to be paid to Council 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.

The above sum is broken down to the following items:

<b>Item</b>	<b>Amount</b>
Community Facilities	\$46,523.03
Public Domain	\$102,894.62
Accessibility and Traffic	\$28,361.24
Administration	\$10,879.07
<b>TOTAL</b>	<b>\$188,657.96</b>

Reason: to provide 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.

7. **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.

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8. **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.

9. **Street tree removal and replacement**

Original soil levels on the road verge shall not be changed, unless prior written consent is granted by Council.

All costs associated with the approved pruning and/ or removal and replacement of street trees shall be the responsibility of the applicant. Any street tree approved for removal shall be stump ground to a minimum of 200mm below ground level. All levels must be reinstated on the same day so that no trip or fall hazards are created.

*Reason:-* to maintain the amenity of the surrounding streetscape.

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

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
  - i) appointed a principal certifying authority for the building work, and
  - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-
  - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-
  - i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii) notified the principal certifying authority of any such appointment, and
  - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- c) the person having the benefit of the development consent has given at least 2 days' notice



to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended).

#### 11. **Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
  - 1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
  - 2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
  - 3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
    - a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
    - b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
    - c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
    - d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
    - e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
  - 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended).

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12. **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.

13. **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.

14. **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

15. **Commonwealth Disability Discrimination Act**

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

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

16. **Replacement of Principal Certifying Authorities**

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

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

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended) and clause 162 of the Environmental Planning and Assessment Regulation.

17. **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.

18. **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.

19. **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

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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.

20. **Archival Record - Photographic Survey**

Prior to the demolition of the dwellings on Lot 1 DP 798616 and Lot 30 DP 75014, being 42 and 42A Park Road, Auburn, a black and white photographic survey, in accordance with the guidelines of the Heritage Council, is to be submitted prior to the release of the Construction Certificate. The photographic survey is to be submitted in an unbound report format, which is to contain:

- a) A front cover marked with:-
  - i) the name/location of the property;
  - ii) the date of the survey;
  - iii) the name of the Company or persons responsible for the survey.
- b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the building; and a set of negatives. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into acid-free corner mounting.
- d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs (with negatives) are to be included in the photographic survey report.

These documents are to be remitted to Council for inclusion in the Local History Library.

Reason:- to provide a historical record of the existing buildings on the site for archival purposes.

21. **Dilapidation Report - Prior to Excavation of Basement**

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

The report shall detail the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*) located upon all of the premises adjoining the subject site, including the heritage item at 25 Harrow Road, Auburn.

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

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

## 22. Sedimentation Control

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

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

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

## 23. 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.

24. **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.

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

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

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

27. **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.

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**28. 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.

**29. Demolition – common sewerage system**

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

**30. 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.

**31. 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.

**32. 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



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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.

33. **Services to be capped**

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

Reason:- to ensure all services are capped adequately.

34. **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.

35. **Compliance with Acoustic Report**

1. All recommendations in Section 7 of the Acoustic Report prepared by Acoustic Consulting Engineers Pty Ltd for the residential development at 40-42A Park Road, Auburn with reference # 181007-01L-DD, dated 11 February 2019 must be incorporated into the design, construction and operation of the development to ensure compliance with recommended noise levels for the development and the surrounding environment.
2. All noise control measures specified in the acoustic assessment report prepared by Acoustic Consulting Engineers Pty Ltd, Reference number # 181007-01L-DD, Dated 11 February 2019, shall be installed prior to the issuing 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.
3. Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contain in the acoustic assessment report prepared by Acoustic Consulting Engineers Pty Ltd, Reference number # 181007-01L-DD, Dated 11 February 2019. Where the criteria are not meet the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- To ensure the development does not cause adverse acoustic impacts.

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**36. Materials and Finishes**

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

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

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

**37. SEPP 65 – Design Verification**

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

- a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

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

**38. Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

Reason:- to ensure Council is aware and kept informed of the current project architect.

**39. Plumbing – separation and containment**

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

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

**40. Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

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

41. **Underside of balconies**

The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.

Reason:- to ensure an attractive appearance to the development in accordance with Council's Development Control Plan requirements.

42. **Switchboards/Service Panels**

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

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

43. **Reflectivity Index of Glazing**

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

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

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

44. **Ventilation of Basement Car Park**

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the Principal Certifying Authority.

Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it create an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

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Reason:- To ensure compliance with the relevant Standards.

45. **Submission of Construction Certificate**

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

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

Any modification involving building works to the approved development made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended) and clause 142 of the Environmental Planning and Assessment Regulation 2000.

46. **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 BCA Part 3.
- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

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

47. **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.

**48. PCA – Inspection of works – general & site management**

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

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

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

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

**ADVISORY NOTE**

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

- a) *Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.*
- b) *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.

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**49. 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.

**50. 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.

**51. Survey Documentation**

A Registered Surveyors check survey certificate or *compliance 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:-**

- a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.
- b) 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.
- c) Prior to construction of each floor level showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
- d) 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.

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

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

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of

the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

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

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

**NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-**

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

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

53. **Engineering Design – Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to the issuing of a construction certificate:-**

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

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

- d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.**

Reason:- to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

54. **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.

55. **Footpath area to be illuminated**

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason:- to ensure the safety of pedestrians when passing the site.

56. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

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



A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Note: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

Reason: to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

57. **Sediment Removal from Vehicle Wheels – Large sites**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the Soil and Water Management Plan, prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

Reason:- to ensure suitable controls are in place prior to any works commencing to prevent water pollution from occurring.

58. **Disposal of Site Water**

Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter.

Reason:- to prevent water pollution from occurring.

59. **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.

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

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

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

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

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

61. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

*Reason:-* to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

62. **Off-site soil disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

*Reason:-* to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

63. **Fill for residential premises**

(a) Should any importation of landfill material be required on the site, a validation report prepared in accordance with the Department of Environment and Conservation (DEC) (formerly known as the EPA) “Guidelines for Consultants Reporting on Contaminated Sites” shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

(b) “Chain of Custody” documentation shall be kept for the transportation of validated fill material from its point of origin to its arrival at the subject premises. A record of “Chain of Custody” shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

*Reason:-* to ensure appropriate validation and handling of fill for residential premises.

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Ghazi Al Ali Architect Pty Ltd and endorsed plan Drawing No A-1201 and Drawing No A-1202 both Issue A, both dated 6 February 2019, 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.

**65. 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.

**66. Roller doors and shutters – silent operation**

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

Reason:- to ensure quiet operation and ongoing maintenance to car park doors.

**67. Intercom/remote access to basement**

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

Reason:- to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

**68. Car Parking Spaces – Restrictive Covenant**

The following shall be complied with:-

- a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.
- b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended) a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive

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Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

Reason:- to ensure the car parking spaces are used in accordance with the details of the development approval.

69. **Headroom clearance – within the Basement**

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

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

Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and Council's DCP.

70. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

- a) The public areas shall be provided with lighting to ensure pedestrian safety.
- b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

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

71. **Works near Sydney Water assets**

**Prior to the issue of any construction certificate** for any works in the vicinity (within 4 metres laterally) of the existing Sydney Water stormwater pipeline that currently passes through the site, the applicant shall construct and activate the relocation of the Sydney Water stormwater pipeline to the requirements of Sydney Water.

Reason:- to ensure Sydney Water requirements are complied.

72. **Drainage construction - Sydney Water System**

Prior to commencement of any construction works on site including site preparation works, the proposed Sydney Water pipe diversion shall be constructed in accordance with Council and Sydney water approved plans as part of deferred commencement condition. In this regard:-

- a) A separate on street construction approval shall be obtained from Council.
- b) All associated inspection shall be carried by Council and Sydney water.
- c) All associated cost shall be borne by the applicant.

Reason:- to ensure the new pipe prior to removal of the existing pipe.

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**73. Modification to existing easement**

Prior to commencement of any construction works on site including site preparation works, drainage easement shall be created over the realigned stormwater pipes and proposed overland flow paths. In this regard:

- a) Written consent from owners of the affected properties shall be submitted for the proposed creation and/or modification to the easement.
- b) Draft plan showing the proposed creation and/or modification to the easement. Shall be submitted.
- c) Transfer Granting easement or variation to easement showing the creation and/or modifications to the alignment of easement shall be lodged with NSW Land Registry Services shall be submitted.
- d) Prior to lodge the documents to NSW Land Registry Services, the documents shall be submitted to and approved by Council.
- e) Receipt of lodgement of the above documents with NSW Land Registry Services shall be submitted.
- f) Supporting evidence shall be submitted to show that stormwater runoff up to 100 year storm event can be drained via modified easement.

Reason:- to ensure that the appropriate easements are created.

**74. Stormwater disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Sydney Water's underground drainage system subject to Sydney Water approval. In this regard, **prior to the issue of any Construction Certificate,**

- a) Written approval shall be obtained from Sydney Water
- a) The approval shall be submitted to and approved by Principal Certifying Authority

Reason:- to prevent localised flooding.

**75. Sydney Water Building Plan Approval**

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap->

*in/index.htm*

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

76. **Proposed Realignment of Sydney Water's stormwater System within Council control land**

Prior to commencement of any construction works on site including site preparation works a detail design for the proposed realignment of existing Sydney Water'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 within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- a) Sydney Water written approval shall be submitted.
- b) All the Sydney water requirements shall be incorporated.

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

77. **On street drainage construction**

**Prior to the commencement of any works** 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.
- d)

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

78. **Positive covenant - overland flow path**

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the overland flow path incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the NSW Land Registry Services. 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**.

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

Reason:- to prevent localised flooding by ensuring the overland flow path is maintained as designed.

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**79. CCTV Survey**

Dilapidation survey/ CCTV Inspection of the stormwater pipe shall be carried out prior to commencement of any work on the site and upon completion of the work to ensure that the pipe has not damaged during the construction and construction works are satisfactory.

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

**80. Hydraulic engineering design certificate**

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that

- a) Construction certificate plans comply with Flood Study Report approved as part of the deferred commencement condition.
- a) The development has no adverse impact on flood levels and/or adjoining properties.

**Prior to the issue of any Construction Certificate** the written verification shall be submitted to and approved by Principal Certifying Authority

Reason:- to ensure construction plans comply with the Flood Study.

**81. Hydraulic engineering certificate**

**Prior to the issue of any Occupation Certificate** the written verification from a qualified hydraulic engineer shall be obtained and approved by Principal Certifying Authority. The written verification shall state that:

- a) Development complies with Flood Study Report approved as part of the deferred commencement condition.
- a) The development has no adverse impact on flood levels and/or adjoining properties.

Reason:- to ensure construction comply with the flood study.

**82. Flood Risk Management**

Development shall comply with Chapter 6 of Council's 'Auburn Development Control Plan 2010 – Stormwater Drainage'. In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls nominated in Table 5 Auburn Development Control Plan 2010 – Stormwater Drainage.
- a) Details shall be submitted to and approved by Principal Certifying Authority **prior to the issue of any Construction Certificate.**

Reason:- to reduce flood risk to the people and properties.

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

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

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

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater plans approved as part of the deferred commencement condition.
- i. All access grates to the detention facility shall be double (2/900x450) hinged grates.
- ii. Grated pit shall be provided behind the high early discharge point.
- iii. Sydney Water requirements shall be incorporated.
- iv. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- v. Dry platform and weephole details shall be clearly shown on the plan.
- vi. A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.
- vii. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

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

Reason:- to ensure the stormwater is suitably discharged.

#### 84. **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.

#### 85. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason:- to ensure the water reuse facilities within the development are constructed and maintained in good working order.



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

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

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

Note:

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

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

**87. 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

**88. 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

**89. Engineer Certificate for pump**

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

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

**90. Basement drainage system**

Basement drainage is to comply with “Auburn development control plans 2010 stormwater drainage”. In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes with one pump acting in reserve capacity.
- b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in the electrical supply.
- d) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within that period.
- e) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- g) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

91. **Footpath Construction – Park Road**

The footpath adjoining Park Road street frontage shall be reconstructed in concrete unit paving in accordance with Council's **Town Centres Infrastructure Manual** specifications. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-to-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 footpath shall be constructed at the completion of works and finished to the

satisfaction of Council **prior to the issue of an Occupation certificate.**

- All associated cost shall be borne by the applicant.

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

## 92. **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):

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

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

In this regard:

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

Reason:- to account for minor variations.

## 93. **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.

## 94. **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.

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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.

95. **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.

96. **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.

97. **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.

98. **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.

99. **Redundant driveway**

**Prior to the issue of any Occupation Certificate**, redundant driveway shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

Arrangements shall be made with Council's Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure Council's assets are restored in accordance with Council's standard.

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**100. Works within Council controlled lands**

(1) For drainage works:

- a) Within Council controlled lands.
- b) Connecting to Council's stormwater drainage system.

Inspections will be required:-

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

(2) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.

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

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

**101. 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.

**102. Traffic Management**

A Traffic Management Plan prepared by a suitably qualified person shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development **prior to commencement of any work within the subject development site.**

Reason:- to minimise the impact on local road network.

**103. Ramp gradients**

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

Copy of the approved plan shall be submitted to Council.

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

**104. Service relocation / Adjustment**

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

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Reason:- to protect utility services.

105. **Surface runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

Reason:- to prevent adverse impact on adjoining properties.

106. **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.

107. **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.

108. **Light Overspill**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Reason:- to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

109. **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 LAeq,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 LAeq,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.

#### 110. **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.

#### 111. **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.

#### 112. **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.

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

113. **Intruder Alarms**

Any intruder alarm at the premises shall be suitably constructed, such as with a timing device, so that the alarm complies with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 - Division 1, Sections 40-43 – Building Intruder Alarms.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

114. **Waste Management Plan**

The Waste Management Plan prepared by Loka Consulting Pty Ltd, Job Number: 18NL254-WMP4, dated 1 July 2019, must be incorporated into the design, construction and operation of the development.

The approved Waste Management Plan for the site must be displayed in an appropriate location on-site and complied with at all times during construction/remediation/demolition and ongoing occupation.

The builder/construction company shall be provided with at least one copy of the Waste Management Plan.

Reason:- to ensure waste is properly managed.

115. **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.

116. **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 bulky waste storage area is not to obstruct the transfer of general waste and recycling bins to the main collection area at any time.
- d) 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.

- e) 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.
- f) 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.

#### 117. **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

- a) Appropriate access and space within the plant area of the building shall be provided for either an optic fibre cable service or a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate ducting and cabling shall be provided for either an optic fibre cable service or a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979 (as amended).
- d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

#### 118. **Section 73 Certificate**

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

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

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

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

#### 119. **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.

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Reason:- to clearly identify the street number of the property.

120. **Mail Box Structure**

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

121. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

122. **Occupation Certificate**

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

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

Reason:- to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).

123. **Final Fire Safety Certificate**

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

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

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

**NOTES:**

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

2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is , or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

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

#### 124. **Annual Fire Safety Statement**

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

The certificate shall certify:-

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

#### **NOTES:**

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

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

#### 125. **Fire Safety Notices**

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

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

#### 126. **Exit Doors Installed in the Path of Travel**

A door in a required exit, forming part of a required exit or in the path of travel to a

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required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

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

#### 127. **Termite Protection**

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

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

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

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

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

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