

Minutes of the Electronic Cumberland Local Planning Panel Meeting held on Wednesday 9 July 2019.

**PRESENT:**

Julie Walsh (Chairperson), Marjorie Ferguson, Lindsay Fletcher and Allan Ezzy.

**DECLARATIONS OF INTEREST:**

There were no declarations of interest.

ITEM LPP047/19 - DEVELOPMENT APPLICATION FOR 2 BLAXCELL STREET, GRANVILLE

**BACKGROUND**

1. The Cumberland Local Planning Panel deferred this matter at the meeting of 26 June 2019 for the following reasons:

*“That Development Application 529/2017 seeking demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking at 2 Blaxcell Street, Granville, be deferred for electronic determination by the Panel. Upon receipt of an amended Basix Certificate for the amended plans. The Basix Certificate is to be lodged within 7 days.”*

2. The Panel is satisfied as to the Clause 4.6 variation to the building height control and generally supports the approval of the application for the reasons outlined in the Council Officer’s report subject to the conditions set out therein but requires an amended Basix Certificate in respect to the amended plans before the Panel can finally determine the application.

**RESOLVED:**

1. The Local Planning Panel approves the variation to the development standard relating to height contained in clause 4.3 of Parramatta Local Environmental Plan 2011 as the applicant’s clause 4.6 objection has adequately addressed the matters required to be demonstrated by clause 4.6(3) and the development will be in the public interest because it is consistent with the objectives of the height standard and the objectives of the B4 mixed use zone.
2. That Development Application 529/2017 seeking demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking at 2 Blaxcell Street, Granville, be Approved, subject to the conditions contained within the draft Notice of Determination as attached to these minutes.

**For:** Julie Walsh (Chairperson), Marjorie Ferguson, Lindsay Fletcher, Allan Ezzy.

**Against:** Nil.

**Reasons for Decision:**

1. The Panel considered this matter at the Local Planning Panel meeting on 26 June 2019 at which time it determined it was prepared to grant approval to the application but required the submission of a Basix certificate in respect of the amended plans to enable the application to be finally determined. The applicant has now lodged a Basix certificate dated 1 July 2019 in respect of the amended plans and accordingly the matter can be finally determined.

Signed:



Julie Walsh  
Chairperson

**CONDITIONS OF DEVELOPMENT CONSENT**

**DA No:** DA-529/2017  
**Property:** 2 Blaxcell Street, GRANVILLE  
**Description:** Demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking

**1. Approved Plans and Documents**

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

<b><i>Drawing Title / Job, Plan or Reference Number</i></b>	<b><i>Prepared By</i></b>	<b><i>Rev.</i></b>	<b><i>Dated</i></b>
Cover Page / 150695 / DA 000	Design Cubicle	K	28/05/2019
Site Plan / 150695 / DA100			
Basement 4 Plan / 150695 / DA 200			
Basement 3 Plan / 150695 / DA 201			
Basement 2 Plan / 150695 / DA 202			
Basement 1 Plan / 150695 / DA 203		J	14/05/2019
Ground Floor Plan / 150695 / DA 204			
Level 1 – 2 Plan / 150695 / DA 205		K	28/05/2019
Level 3 Plan / 150695 / DA 206			
Roof Plan / 150695 / DA 207			
Exterior Elevations / 150695 / DA 300			
Interior Elevations & Section 1 of 2 / 150695 / DA 301		H	15/03/2019
Sections 2 of 2 / 150695 / DA 302			
Demolition Plan / 150695 / DA 700	Ray Fuggle Associates	A	19/02/2019
Landscape Plan / 4480a / L-01/2			
Landscape Plan / 4480a / L-02/2	SG Consultants Pty Ltd	A	21/02/2019
Cover Sheet / 20140059 / SW100			
Stormwater Concept Design - Basement 4 Plan / 20140059 / SW200			
Stormwater Concept Design – Basement 3 Plan / 20140059 / SW201			
Stormwater Concept Design – Basement 2 Plan / 20140059 / SW202			
Stormwater Concept Design – Basement 1 Plan / 20140059 / SW203			
Stormwater Concept Design – Ground Floor Plan / 20140059 / SW204			
Stormwater Concept Design – Level 3 Plan / 20140059 / SW205			
Stormwater Concept Design – Roof Plan / 20140059 / SW206			
Stormwater Concept Design – Details Sheet – Sheet 1 of 2 / 20140059 / SW300			
Stormwater Concept Design – Details Sheet – Sheet 2 of 2 / 20140059 / SW301			



Erosion and Sediment Control Plan and Details / 20140059 / SW400			
Stormwater Concept Design Music Catchment Plan / 20140059 / SW500			
Acid Sulphate Soils Management Plan	Aargus Pty Ltd	0	12/02/2019
Acoustic Report / 2017-618	Acoustic, Vibration & Noise Pty Ltd	-	11/02/2019
Aboricultural Impact Assessment / 20034	Urban Tree Management	1	05/02/2019
BASIX Certificate / 523037M_04	-	-	01/07/2019
Correspondence from Endeavour Energy	Endeavour Energy	-	19/03/2019
Detailed Site Investigation	Aargus Pty Ltd	-	11/03/2019
External Materials and Finishes / 150695	Design Cubicle	-	-
Flood Study Report / 2014.0059	SG Consultants Pty Ltd	C	17/04/2015
Flood Study Report – Addendum / 2014.0059-L02		-	21/11/2015
Flood Study Report – Addendum 3 / 2014.0059-L04		-	28/05/2019
Geotechnical Investigation Report / GS5720/1A	Aargus Pty Ltd	A	10/02/2017
Hydrogeological Analysis Report / GS5720-5A	Chameleo Geosciences Pty Ltd	0	14/02/2019
Public Arts Plan	-	-	-
Remediation Action Plan / ES5720/3	Aargus Pty Ltd	0	18/12/2017
Waste Management Plan	Design Cubicle	A	--/12/2017

(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. **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.

4. **Parramatta Section 7.11 Development Contributions**

Development Contributions are payable in accordance with the Parramatta Council's Section 7.11 Development Contribution Plan (Amendment No. 5), which has been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended).

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.

A sum of **\$100,223.06** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development within the Cumberland LGA.

Council's Development Contribution Plan 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 Section 7.11 Development Contributions.

5. **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.

6. **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).

7. **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).

8. **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

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

9. **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.

10. **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.

11. **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.

12. **Commonwealth Disability Discrimination Act**

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

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

13. **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.

14. **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.

15. **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.

16. **BASIX Requirements**

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

- a) Relevant BASIX Certification means:-
  - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
  - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Reason: to comply with the Environmental Planning and Assessment Regulations.

17. **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.

18. **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.

19. **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.

20. **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.

21. **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.

## 22. **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.

23. **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.

24. **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.

25. **Survey Report**

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

*(Setbacks and levels at commencement – new dwellings)*

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

*(Setbacks and levels at completion – new dwellings)*

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

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

26. **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 or B Hoardings.**

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

## 27. **Sedimentation Control**

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

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.

- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

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

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

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

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

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

29. **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.

30. **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.

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

- (a) A dilapidation report prepared by a *professional engineer* or suitably qualified building professional shall be submitted to the 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.

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 abovementioned premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided **prior to the commencement of demolition, excavation or building works** certifying that the demolition, excavation and or building works will not have an impact on **any** adjoining structure including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

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

32. **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: the ensure the safety of pedestrians when passing the site.

33. **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.

34. **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.

35. **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.

36. **Remediation and validation**

The following shall be complied with in respect of remediation and validation works at the property:

- a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consulting Reporting on Contaminated Sites*, and shall:
  - i) Describe and document all works performed;
  - ii) Include results of validation testing and monitoring;
  - iii) Include validation results of any fill imported on to the site;
  - iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
  - v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

- c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, **prior to the issuing of the Occupation Certificate.**

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

Reason: to ensure the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act are complied with.

37. **Remediation works – contact details**

The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.

Reason: to ensure a point of contact is provided to Council to liaise with, if necessary, in respect of the remediation works.

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

Any new information which comes to light during remediation, 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.

39. **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.

40. **Number of Car Parking Spaces**

A minimum of 34 off-street car parking spaces are to be provided to the development. Of this figure:

- A minimum of 25 spaces shall be dedicated as residential use (including 4 accessible spaces).
- A minimum of 5 spaces shall be dedicated as residential visitor use.

- A minimum of 4 spaces shall be dedicated as commercial use (including 2 accessible spaces).

The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 m.

Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Car parking spaces shall not be enclosed without the prior consent of council.

Reason: to ensure there is sufficient car parking for the development and to comply with Auburn Parking & Loading DCP.

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

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

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

42. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

Reason: to assist with traffic flow within the development.

43. **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.

44. **Minimum height clearance for carparking spaces and entry to basement carparks**

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.2 metres.

Reason: to ensure vehicles and pedestrians can safely use the carparking facility.

45. **Size Limit of Delivery Vehicles**

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

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

46. **Protective bar to vehicular entry**

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any

roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

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

47. **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.

48. **Internal Ramp**

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

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

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

49. **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.

50. **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 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.

51. **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.

52. **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.

53. **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.

54. **Fencing of demolition sites – Rental of road reserve/footpath area**

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

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

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

The public safety provisions and temporary fences must be in place prior to the commencement of any 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 application to Council for rental of the road reserve/footpath area BEFORE the fence/hoarding is erected.**

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

55. **Waste Management Plan – New works**

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.

The builder/construction company shall be provided with at least one copy of the waste management plan.

Reason: to ensure waste is properly managed.

56. **Demolition - Lead Management Work Plan**

A Lead Management Work Plan shall be prepared in accordance with *AS2601-2001 Demolition of Structures* by a person with suitable expertise and experience and submitted to the PCA or Council for approval prior to the issuing of the Construction Certificate. The Lead Management Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-

- a) AS 4361:1998 Guide to lead paint management;
- b) Australian Standard AS 2601: 2001 Demolition of Structures;
- c) Lead Safe A renovator's guide to the dangers of lead, NSW EPA, 1998 (booklet)

Reason: to ensure suitable procedures are employed to manage demolition activities involving lead paint.

57. **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.

58. **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.

59. **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.

60. **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.

61. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
  - i) Work Health and Safety Act 2011;
  - ii) *The Work Health and Safety Regulation 2011;*
  - iii) *Protection of the Environment Operations Act 1997*
  - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
  - v) *Waste Avoidance and Resource Recovery Act 2001.*
  - vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
  - vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
  - viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

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

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

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

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

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

62. **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.

63. **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.

64. **Neighbour 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.

65. **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.

66. **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 Part 2 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 Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

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

67. **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.

68. **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.

69. **Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

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

70. **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.

71. **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.



72. **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.

73. **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.

74. **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.

75. **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.

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

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

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

77. **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).

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

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

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

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

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

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

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

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

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

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

80. **Television Aerial/Satellite Dish**

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

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

81. **Aboveground Power Lines**

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

Reason: to improve the aesthetic quality of the area.

82. **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.

83. **Separate consent required prior to occupation of premises**

Separate Development Consent must be obtained prior to occupation of the commercial tenancies situated on the ground floor of the building.

Reason: to control and regulate the use of the premises.

84. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

Reason: to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

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

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

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

86. **Telecommunications Facilities - Residential**

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

- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to 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.

87. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

- a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- b) Details of the lighting is to be submitted for the approval of the 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.

88. **No roller shutters**

No roller shutters are to be erected either externally or internally to the shop front. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

Reason: to protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises.

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

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

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

90. **Display of Waste Management Plan – Ongoing use**

The occupant/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

Reason: to ensure waste is properly managed by occupants of the building.

91. **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.

92. **Ongoing Waste Management**

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

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

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

93. **Sight distance**

Adequate appears adequate vertical sight distance shall be provided along the access ramp.

In this regard:

- a) Appropriate measures shall be provided to improve the safety.
- b) Detail plan shall be submitted to and approved by principal Certifying Authority.

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

94. **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.

95. **Unexpected Finds**

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

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



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

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

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

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

Reason: to ensure the basement carpark is ventilated.

97. **Future Use of Commercial / Retail Tenancies**

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial spaces in accordance with relevant standards so there is provision for future use of any or all of the commercial units as food premises or similar specialty use that requires specific local exhaust ventilation.

Reason: to ensure the commercial tenancies accommodate mechanical ventilation.

98. **Opaque glazing**

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

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

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

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

Reason: to support to the healthy growth of flora.

100. **Clothes Drying Facilities**

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

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

101. **Smoke Detection/Alarm Systems – Class 2 Buildings**

The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

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

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

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

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

Reason: to comply with BCA F2.5 and Part 3.8.3.3.

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

A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

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

104. **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.

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

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

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

106. **Portable fire extinguishers**

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

Reason: to allow occupants to undertake initial attack on fire.

107. **WaterNSW**

The following General Terms of Approval are applied by WaterNSW:

- a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan.
- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.
- d) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

Reason: to ensure the WaterNSW General Terms of Approval are complied with.

108. **Public Art**

The following conditions are applied to the development regarding public art:

- a) Prior to the issue of an Occupation Certificate, the Applicant must supply information and documentation that the public art has been designed, produced, and installed as per the submitted Public Art Plan, and should include a maintenance plan. Liaison with Council’s Public Art Coordinator shall be made to determine appropriate meeting times over the duration of the development.

- b) At the time of design development of the Indigenous Artwork proposed, the design shall be submitted to the Cumberland Aboriginal and Torres Straight Islander Committee for their consideration and approval.

Reason: to ensure the public art proposed is in accordance with the submitted Public Art Plan, and to provide the opportunity for the Cumberland Aboriginal and Torres Straight Islander Committee to consider the Indigenous Artwork.

109. **Tree Retention**

The recommendation with the Arboricultural Impact Assessment prepared by Urban Tree Management, Reference Number 20034, Revision 1, dated 5 February 2019, shall be complied with at all times. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval, prior to the commencement of any site works and issue of a Construction Certificate.

The Council Street trees located on Blaxcell Street shall not be damaged during any works associated with the development, including demolition, site establishment, excavation for utilities / stormwater, and / or as a result of construction vehicle access.

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

110. **Amended Landscape Plan**

An amended Landscape Plan shall be submitted to Council or the accredited Certifier for approval, prior to the issue of a Construction Certificate, and shall incorporate the following revisions:

- a) The container size of the proposed trees is to be a minimum of 45L.
- b) Two (2) *Angophora costata* (Smooth-barked Apple) trees are to be installed in appropriate locations within the turf area adjoining the canal, as feature trees. The *Angophora costata* trees are to come from a minimum 75L container.
- c) Tree protection fencing and associated annotations shall be in accordance with the Arboricultural Impact Assessment prepared by Urban Tree Management, Reference Number 20034, Revision 1, dated 5 February 2019. Annotations regarding any necessary tree protection measures to be implemented for the street trees to be retained and protected are also to be included, and advised by an AQF Level 5 Consulting Arborist.

Reason: to ensure appropriate planting on site.

111. **Communal Open Space Area**

The north-western communal open space area shall be fenced and gated to the northern side.

Reason: to ensure the communal open space area is secure.

112. **Deleted**

**113. Remediation Action Plan**

The recommendations in section 7.3 of the Remediation Action Plan prepared by Aargus Pty Ltd, Reference Number ES5720/3, Revision 0, dated 18 December 2017, must be carried out during remediation to ensure ground water does not pose a risk to human health or the environment.

Reason: to ensure ground water does not pose a risk to human health or the environment.

**114. Validation Report**

A validation report must be prepared and submitted to Council prior to the issue of a Construction Certificate. The report shall be prepared in accordance with the EPA guidelines, "*Consulting and reporting on contaminated Sites*".

Reason: to ensure all remediation works have been carried out in accordance with the remediation action plan.

**115. Waste Management Plan**

The Waste Management Plan prepared by Design Cubicle Pty Ltd, Issue A, dated December 2017, is to be incorporated into the design, construction and operational use of the development.

Reason: to ensure waste is managed and disposed of correctly.

**116. Acoustic Report**

The recommendations of the Acoustic Report prepared by Acoustic, Vibration & Noise Pty Ltd, Reference Number 2017-618, dated 11 February 2019, be accepted and followed throughout the demolition and construction of the proposed use.

Reason: to ensure the development will not impact on the acoustical amenity of sensitive receivers.

**117. Acoustic Report**

Prior to CC an acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should also consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park). The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy.

Reason: to ensure mechanical plant will not impact on the acoustical amenity of sensitive receivers.

**118. Acoustic Report**

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 development complies with noise levels in the NSW EPA Noise Policy.



Reason: to ensure the development compliances with noise levels in the NSW EPA Noise Policy.

119. **Erosion and Sediment Control**

Erosion and sediment control shall be in accordance with the Erosion and Sediment Control Plan and Details prepared by Design Cubicle, Job Number 20140059, Plan Number SW400, dated 21 February 2019.

Reason: to minimise soil erosion and sediment leaving the site and causing storm water pollution.

120. **Air emissions**

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. Waste gases released from the premises must not cause a public nuisance nor be hazardous or harmful to human health or the environment.

Reason:- to protect human health and the environment.

121. **Monitoring of field parameters**

Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

Reason:- to ensure Council is informed as to monitoring of field parameters relevant to the remediation and/or construction works.

122. **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.

123. **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 (i.e. any outdoor areas for day

and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure  $L_{Aeq}$  period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure  $L_{Aeq}$ , 15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

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

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

#### 124. **Air conditioning units – location and acoustics**

- a) Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. 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.

**125. Intruder Alarms**

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

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

**126. Hydraulic Engineering Design Compliance Certificate**

**Prior to issue of any Construction Certificate**, a written verification from suitably qualified hydraulic engineer shall be obtained and shall be submitted to and approved by the Principal Certifying Authority. These documents shall be forwarded to Council as part of the construction certificate. The verification shall include that:

- a) Construction certificate plans comply with approved Flood Study report and Addendum reports prepared by SG Consulting Pty Ltd.
- b) Construction certificate plans comply with all flood related conditions of this consent.
- c) The development has no adverse impact on flood levels and/or adjoining properties.

Reason: to ensure construction plans comply with the flood report and related conditions.

**127. Hydraulic Engineering Construction Compliance Certificate**

**Prior to issue of any Occupation Certificate**, a written verification from suitably qualified hydraulic engineer shall be obtained and shall be submitted to and approved by Principal Certifying Authority. These documents shall be forwarded to Council as part of the Occupation Certificate. The verification shall include that:

- a) The constructed development complies with approved Flood Study report and Addendum reports prepared by SG Consulting Pty Ltd.
- b) The constructed development complies with the approved construction certificate plans which complied with all flood related conditions of this consent.
- c) The constructed development has no adverse impact on flood levels and/or adjoining properties.

Reason: to ensure construction comply with the flood report, the conditions and approved plans.

**128. Flood Risk Management**

The subject development shall comply with Table 2.4.2.1.2 of the Parramatta Development Control Plan 2011. In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls for medium flood risk precinct nominated in Table 2.4.2.1.2 of the Parramatta Development Control Plan 2011.

- b) Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of any Construction Certificate.**

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

129. **Flood Evacuation Management**

The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.

*Reason:* To ensure the structure can withstand flooding events.

130. **Flood Evacuation**

An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

*Reason:* To make property owners/residents aware of the procedure in the case of flood.

131. **Floodplain Access Control**

'Pool type' vertical bar fencing and access gates, all to Australian Standards, shall be installed and maintained in perpetuity to prevent casual access by children to any of the ground levels of the site adjacent to Duck Creek and also to the flood storage cavity beneath the ground floor slab. Maintenance of this fencing shall be the subject of covenants and instruments in terms satisfactory to Council which shall be placed on the title of the subject land prior to issue of any Occupation Certificate.

*Reason:* Protection of public safety and property, securing the safety of residents and managing risk from flooding.

132. **Flood Warning System**

The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

The property owner/body corporate is to ensure the warning system is in good working order, through regular testing and maintenance.

*Reason:* To ensure the flood warning system is installed and maintained.

133. **On Street Drainage Design**

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

- a) A Longitudinal section of the proposed stormwater outlet within Council controlled land, showing the depth and location of all the services within the area of the proposed works, shall be submitted.
- b) Stormwater shall be connected to the existing Council's stormwater pipe.
- c) The depth of the Council pipe shall be verified and annotated on the plan.
- d) A detailed service search shall be carried out to ensure that the existing stormwater pipes within the road reserve are incorporated in the design.

**Reason:** to ensure Council's assets are designed to Council's requirements and existing assets are incorporated in the design.

134. **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.
- b) Inspections will be required for works related to the proposed connection to Council's stormwater drainage system at the following stages:
  - 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.
- c) 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.
- d) Work is not to proceed until the works are inspected and approved by Council.

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

135. **Stormwater Disposal**

Stormwater runoff generated from the development shall be directed to the On Site Detention (OSD) system. Stormwater runoff generated from the area draining to OSD 1 shall be discharged to Council's stormwater system in Blaxcell Street and stormwater runoff from the area draining to OSD 2 shall be discharged to Duck Creek, and shall be subject to Sydney Water approval.

**Reason:** To ensure satisfactory stormwater disposal.

136. **Stormwater Quality**

Stormwater shall be drained by means of a water quality and bioretention stormwater management system prior to being discharge into Duck Creek. Details of the design, construction and long term operation of this stormwater management system shall be submitted to Council's Manager of Engineering and Traffic for approval, **prior to the issue of any Construction Certificate**. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

*Reason:* To ensure overland flow is maintained.

137. **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 with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987". In this regard:

- a) The proposed stormwater system shall generally be in accordance with the stormwater concept plans approved as part of deferred commencement condition.
- b) All the access covers in the OSD tank shall be minimum 900x900 in size with double (2/900x450) hinged grates.

*Reason:* to ensure stormwater is suitably discharged.

138. **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.

139. **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 Council's on-site stormwater detention parameters. 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 Property Information. Evidence confirming the positive covenant has been registered shall be submitted to Council **prior to the issue of any 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 detention system is maintained as designed.

140. **Overland Flowpath - Flooding**

The overland flow through the site shall be maintained at all time in accordance with Council approved plan. In this regard, a positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the unimpeded overland flow path system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Property Information. Evidence confirming the positive covenant has been registered shall be submitted to Council **prior to the issue of any 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 detention system is maintained as designed.

141. **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.

142. **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.

143. **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.

144. **Basement Drainage System**

Basement drainage is to comply with the Parramatta Development Control Plans 2011. 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, 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 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 this 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.

145. **Footpath Construction – William Street / Blaxcell Street**

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

- Detail footpath design shall be submitted and approved by Council's Works and Services section **prior to the issue of any 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 the design of the footpath.**
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.

- The footpat shall be constructed at the completion of works and finished to the satisfaction of Council **prior to the issue of any 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 Cumberland Council requirements.

146. **Works-as-Executed Plan**

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 Principal Certifying Authority. Copy of the documents shall be submitted to Council if Council is not the Principal Certifying Authority. Works-As-Executed stormwater plans are to address the following:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table).
- d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

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

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

147. **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.

148. **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 a written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the

Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, **prior to the issue of any Occupation Certificate**.

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

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

149. **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 a 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.

150. **Street Boundary Levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Engineering section 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.

151. **Road Opening Permit**

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

*Reason:* to safeguard Council property against damage.

152. **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.

153. **Redundant Driveway**

**Prior to the issue of any Occupation Certificate**, all redundant driveways 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 Engineering section 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.

154. **Car Parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the Architectural Plans prepared by Design Cubicle Pty Ltd, 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.

155. **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.

156. **Stamping of Development Application Plans by Sydney Water**

The approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

or telephone 13 20 92.

**Note:**

The consent authority or accredited certifier must either:

- ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- if there is a combined Development/Construction Certificate application, ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to works commencing on site.

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

157. **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 Principal Certifying Authority **prior to the issue of any Construction Certificate.**

Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and the relevant DCP.

158. **Ramp Gradients**

Ramp grades shall comply with section 2.5.3 of Australian Standard 2890.1 - 2004. Detailed longitudinal sections of the ramps shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of any Construction Certificate.** The ramp section shall show all necessary headroom clearances to comply with the relevant Australian Standard.

A copy of the approved plan shall be submitted to Council as part of Construction Certificate.

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

159. **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:-

- iv) After the excavation of pipeline trenches.
  - v) After the laying of all pipes prior to backfilling.
  - vi) 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.

160. **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.



161. **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.

162. **Foundation Near Easement**

Foundations adjacent to an easements and stormwater channel are to be constructed in accordance with Sydney Water requirements. The engineering details are to form part of the Construction Certificate documentation with the Sydney Water approval.

Reason: To ensure Council's and Sydney Water's assets are not damaged.

163. **Service Relocation / Adjustment**

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

Reason: to protect utility services.

164. **Traffic Management**

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

Reason: to minimise the impact on street traffic.

165. **Flood Gauges**

To ensure that residents are appropriately aware of this risk, the following are to be installed on the site prior to the release of any Occupation Certificate for the development:

- Four flood gauges are to be provided measuring the depth of floodwaters.
- At all entry points to the building including the basement pedestrian and vehicular access flood warning signs are to be provided. The signs are to provide the warning in English and graphic only. These signs are to be of material that can withstand severe flooding.
- Provide 1 x 225mm approx. diameter stainless steel tube, capped, bolted to a suitable flood proof concrete base clearly marked with the 1% AEP / 1 in 100 year flood level located centrally in open space area at the rear of the site. This is to be designed to withstand floodwaters and vandalism.

These measures are to be installed to the satisfaction of the Principal Certifying Authority with appropriate documentary and photographic evidence of installation to be provided to Council for record keeping purposes.

Reason: To ensure that residents are aware of the flood conditions of the site and have sufficient infrastructure to understand the depth of floodwater around the site during flood events.

166. **Entrance to Building 2**

The entrance to Building 2 on the southern elevation of the ground floor shall be clearly demarked from the façade, so as to be identifiable as the point of entry for persons accessing the building.

Reason: To ensure access points are easy to identify.

167. **Amended Stormwater Plans**

Amended stormwater plans addressing the following shall be submitted to and approved by Council, prior to the issue of a Construction Certificate:

- a) Onsite detention system shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987".
- b) Permissible Site Discharge and Site Storage Requirement for the subject site are 80 L/S/Ha and 470m<sup>3</sup>/Ha respectively. OSD shall be redesigned with the above values.
- c) An access grate shall be provided behind the flap.
- d) The storm filter chamber shall be separate from the OSD tank storage.
- e) All the access covers over the OSD tank shall be minimum 900x900 in size with double (2/900x450) hinged grates.
- f) OSD tank dimension shall be annotated on the plan.
- g) Basement pump out tank design calculations shall be provided.

Reason: To ensure the stormwater design complies with Council's DCP and Upper Parramatta River Catchment Trust "On-Site Detention Handbook"

168. **Pier Design Details**

Full details of the overland flow path shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate. The proposed plan shall show all required details such as piers, walls, steps, lift, etc. The plan shall incorporate the recommendations made within the Flood Study report and Addendum reports prepared by SG Consultants Pty Ltd.

Reason: To ensure overland flow is maintained.

**169. Top Slab of the Basement**

The top slab of the basement shall be lowered to be level with the natural ground level (existing levels). In this regard, amended architectural plans detailing the above shall be submitted to Council for approval, prior to the issue of a Construction Certificate. The plan shall ensure compliance of ramp grades, and head room clearance.

Reason: To ensure overland flow is unobstructed.

**170. Access on the Driveway**

The pedestrian access steps located within the proposed access driveway shall be removed and relocated from the two way access driveway. Details, inclusive of a swept path analysis, shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate, demonstrating unobstructed access.

Reason: To ensure access to the basement car park is unobstructed.

**171. Setback to Duck Creek Corridor**

The setback to the Duck Creek corridor, as endorsed within the Architectural Plans prepared by Design Cubicle, shall be maintained. Details shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate.

Reason: To ensure the setback to the Duck Creek corridor is maintained.

**172. Fence Design**

All fences within the 100 year flood level shall be designed allow for overland flow to be maintained. Details shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate.

Reason: To ensure overland flow is maintained.

**173. Boundary Fence Approval**

Written acceptance shall be obtained from the affected all adjoining property owners for the proposed open style boundary fencing as required by Condition DC2 above, prior to the issue of a Construction Certificate. The approval letter shall address as a minimum the following:

- i) They understand the intention for the proposed changes to the fencing is to improve the flood plain and overland flow path within the location.
- ii) They have no objection to the proposed changes which require an opening to the base of the fence.

Reason: To ensure approval from affected property owners for boundary fence construction.

174. **Flood Report**

An amended Flood Report shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate, and shall address the following:

- i) The proposed boundary wall/fence within the floodplain, which interferes with the flood path.
- ii) The existing condition for adjoining sites, and how it have been modified in the proposed scenario.
- iii) The Flood Report shall refer to Table 2.4.2.1.2 of the Parramatta Development Control Plan 2011.
- iv) The Flood Advice letter from Cumberland Council shall be incorporated in the flood report.
- v) Flood level contours shall be provided in the report.

Reason: To ensure the flood report is updated.

175. **Bio Retention Facility**

Stormwater shall be drained by means of a water quality and bioretention stormwater management system, prior to being discharged into Duck Creek. Details of the design, construction and long term operation of this stormwater management system shall be submitted to Council's Manager Development Assessment for approval, prior to the issue of a Construction Certificate.

The Architectural, Stormwater and Landscape designs shall be redesigned to suit these requirements, and shall include details of the proposed bioretention stormwater management facility adjacent to the Duck Creek channel. All plans shall correspond.

The designs shall also include the provision for managing personal safety, especially for children, including but not limited to the use of protective fencing within the high hazard floodway and alongside the Duck Creek channel.

Reason: To ensure overland flow is maintained.

176. **Waste Collection**

Details of the waste collection arrangements shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate. Waste collection shall be provided in accordance with the Parramatta Waste Management Guidelines for new Development 2016.

Reason: To ensure waste collection complies with the Parramatta Waste Management Guidelines for new Development 2016.