

Minutes of the Cumberland Independent Hearing and Assessment Panel held at Merrylands Administration Building, 16 Memorial Ave, Merrylands on Thursday, 16 June 2016.

PRESENT:

Ms Julie Walsh (Chairperson), Mr S. McDonald and Mr P. Moulds AM.

IN ATTENDANCE:

Monica Cologna, Sohail Faridy, Patricia Krzeminski, Michael Lawani, Aleks Milinkovic, Karl Okorn and Michael Wearne.

The meeting here opened at 11:40 a.m.

APOLOGIES – That an apology for the non-attendance of Mr B. McDonald be noted.

DECLARATIONS OF INTEREST – There were no disclosures of interest.

ADDRESS BY INVITED SPEAKERS – The following persons had made application to address the Cumberland Independent Hearing and Assessment Panel meeting:

Speakers Item No./Subject

Mr. Muzhou Liu C001/16 – DA -340/2015 – 22 & 24 Park Road, Auburn.

Mr. Andrew Wilson C002/16 – DA-292/2015 – 51 Kirkham Road, Auburn.

Mr. Robert Palmer C003/16 – PP-4/2012 – North Auburn Planning Proposal.

Mr. M. Liu addressed the Panel on Item C001/16 – DA -340/2015 – 22 & 24 Park Road, Auburn.

Mr. A. Wilson addressed the Panel on Item C002/16 – DA-292/2015 – 51 Kirkham Road, Auburn.

Mr. R. Palmer addressed the Panel on Item C003/16 – PP-4/2012 – North Auburn Planning Proposal.

The public part of the Cumberland Independent Hearing and Assessment Panel meeting closed at 12:00 p.m.

The Panel retired to Committee Room 2 for consideration of the matters listed on the Business Paper and made its determinations as follows:

ITEM C001/16 - 22 & 24 PARK ROAD, AUBURN

Resolved unanimously by the Cumberland Independent Assessment Panel that Development Application 340/2015 for Demolition of the existing structures, tree removal and construction of an 11 storey mixed use development comprising ground floor commercial/retail tenancies and 80 residential apartments above with a three level basement car park for 106 vehicles on land at 22 & 24 Park Road, Auburn be approved as “Deferred Commencement Consent” subject to the following condition set:-

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

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

1A Creation of Drainage Easement

The applicant shall create a storm water drainage easement to drain water through the downstream site.

Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information Office. A copy of the registered documents of the drainage easement shall be submitted to and approved by Council.

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

Note: Drainage easement shall comply with storm water plan details.

1B Amended storm water and basement car park plans

A minimum of three (3) sets of amended storm water plans and basement car park layout plans shall be submitted to the Council for final approval addressing the following matters.

I. Storm water plan

A detailed storm water plans shall be submitted to Auburn City Council for approval. The storm water plan shall comply with Auburn City Council’s DCP requirements. In this regard:-

- Detention facility shall be redesigned to comply with to comply with Council storm water DCP and Council’s standard drawings.
- OSD calculations shall be submitted. PSD zone 4 PSD and SSR values for PSD zone 4 from Council’s Auburn Development Control Plan 2010 - Stormwater Drainage shall be used in the OSD calculations. The site is located within the PSD zone 4. PSD and SSR values for Zone 4 are

150L/S/ha and 325 m³/ha respectively.

- Council's submission checklist shall be submitted.
- OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.
- Access grates shall be provided all four corners of the OSD tank.
- Maximum spacing between the grated access cover in the OSD tank shall not exceed 5.0m.

II. On street drainage design

A detailed design for the proposed connection to existing Council's storm water pipe shall be submitted to and approved by the Manager of Development Assessment of Auburn City Council. In this regard:-

- Longitudinal section, of the proposed storm water outlet within the Council controlled land showing the depth and location of all the services within the area of the proposed works shall be submitted.
- A grated pit shall be provided at the point of connection in the Council's pipe system.

III. Parking and access design

Amended plan and document addressing following shall be submitted for approval:-

- The intersection of the basement aisles and two-way access ramps shall be designed in such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c). In this regard detail swept path analysis shall be provided.
- Driveway shall be minimum 1.5m from the northern site boundary.
- Proposed column and the wall shall not impede the sight distance either side of the access ramp.
- Small car spaces are not permitted. All the parking spaces shall be designed for standard cars.
- A garbage bin store for the commercial tenancies shall be provided that is separate to the residential garbage bin store. In addition, access shall be provided from both commercial tenancies to the garbage bin store room.
- Access from the two commercial tenancies to the loading bay shall be provided.

1C Amended landscape plan

A minimum of three (3) sets of amended landscape plans shall be submitted to the Council for final approval addressing the following matters.

- Removal of the Street tree known as E08 to avoid the tree interfering with the proposed awning structure.
- Removal of the tree known as E10 at Number 16 to 20 Park Road given that permission has been granted for the removal of the tree.
- Removal of trees numbered E17, E18 and E19 at Number 21 Mary Street given that permission has been granted for the removal of the trees.
- Removal of tree numbered E02 at Number 11 Harrow Road given that permission has been granted for the removal of the tree.

Additionally, the landscape plan shall detail appropriate replacement trees for 16 to 20 Park Road, 21 Mary Street and 11 Harrow Road which would form part of the agreements with the adjoining neighbours.

1D Terrace area for the Apartment Number A1.07

The terrace area for Apartment Number A1.07 being the Studio Apartment on Level 1 shall be increased in area from 3.36 square metres to 4 square metres. To achieve this, the planter box separating the terrace area from the common area shall be reduced in width by 400 mm to 700 mm. The additional space created shall be incorporated into the private open space for the apartment.

This will result in the terrace area having dimensions of 2.1 metres x 1.6 metres.

In accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 720 days sufficient enough for Council to be able to be satisfied of the above matters.

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

2. Approved Plans - Deferred Commencement

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

Plan Number	Prepared By	Revision No.	Dated
Development Application Title Page Drawing Number A0.01	MOMA Architecture	E	22/3/2016

BASIX Drawing Number A0.03	MOMA Architecture	E	22/3/2016
Basement 3 Drawing Number A1.00	MOMA Architecture	E	22/3/2016
Basement 2 Plan Drawing Number A1.01	MOMA Architecture	E	22/3/2016
Basement 1 Plan Drawing Number A1.02	MOMA Architecture	E	22/3/2016
Ground Floor Plan Drawing Number A1.03	MOMA Architecture	E	22/3/2016
Level 1 Plan Drawing Number A1.04	MOMA Architecture	E	22/3/2016
Level 2, 4, 6, 8 Plan Drawing Number A1.05	MOMA Architecture	E	22/3/2016
Level 3, 5, 7, 9 Plan Drawing Number A1.06	MOMA Architecture	E	22/3/2016
Level 10 Plan Drawing Number A1.07	MOMA Architecture	E	22/3/2016
Roof Plan / Site Plan Drawing Number A1.08	MOMA Architecture	E	22/3/2016
North Elevation Drawing Number A2.00	MOMA Architecture	E	22/3/2016
West Elevation Drawing Number A2.01	MOMA Architecture	E	22/3/2016
South Elevation Drawing Number A2.02	MOMA Architecture	E	22/3/2016
East Elevation Drawing Number A2.03	MOMA Architecture	E	22/3/2016
Section (East - West) Drawing Number A3.00	MOMA Architecture	E	22/3/2016
Section (North - South) Drawing Number A3.01	MOMA Architecture	E	22/3/2016
Section (North - South) Drawing Number A3.02	MOMA Architecture	E	22/3/2016
Schedule of Materials and Finishes Drawing Number A4.00	MOMA Architecture	E	22/3/2016
Site Management Plan Drawing Number A7.00	MOMA Architecture	C1	22/3/2016
Construction Notes and Standard Details Drawing Number SW566- 1	Wehbe Consulting		31/8/2015
Roof Layout Drawing Number SW566- 2	Wehbe Consulting		21/9/2015
L11 Plan and typical Floor Upper Levels Layout Drawing Number SW566- 3	Wehbe Consulting		21/9/2015

First Floor Layout Drawing Number SW566-4	Wehbe Consulting		21/9/2015
Stormwater Site Layout Drawing Number SW566-5	Wehbe Consulting		21/9/2015
Basement 1 and 2 Layout Drawing Number SW566-6	Wehbe Consulting		16/9/2015
Basement 3 Layout Drawing Number SW566-7	Wehbe Consulting		16/9/2015
BASIX Certificate Certificate Number 664233M-03 (Including any changed in red specific to the removal of Apartment Numbered A11.1)			7 December 2015
Landscape Concept Plan First Floor L01	HLS Pty Ltd	A	12 November 2015
Landscape Concept Plan First Floor L02	HLS Pty Ltd	A	12 November 2015
DA Noise Assessment Report Reference 20140399.1/0109A/R1 /JL	Acoustic Logic		1/9/2015
Arboricultural Impact Assessment Report Reference 8008	Redgum Arboriculture and Horticulture Consultants		7 August 2012
Pedestrian Wind Environment Statement Report Number WB614- 02F02 (Rev0) WS Report	Windtech		9 September 2015

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

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

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

3. Time period of consent

This consent shall lapse five (5) years from the date of determination unless the

approved building, engineering or construction work has been physically commenced in accordance with this consent.

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

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

4. Submission of Construction Certificate

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

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

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

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

5. Auburn DCP 2007: Section 94 Development Contributions

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

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

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

A sum of \$448,609.58 is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$110,396.69

Public Domain	\$244,163.36
Accessibility and Traffic	\$67,298.63
Administration	\$25,812.64
Employment generating development	\$938.26
TOTAL	\$448,609.58

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

Reason: - to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework and to assist in the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

6. Consolidation of lots

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

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

7. 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.

8. Appointment of Principal Certifying Authority/Notice of Commencement of Work

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
 - i) appointed a principal certifying authority for the building work, and
 - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-
 - i) notified the consent authority and the council (if the council is not the

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

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

9. 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.

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

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

10. 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.

11. 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.

12. 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.

13. 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

14. 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.

15. Replacement of Principal Certifying Authorities

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

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

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

16. 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.

17. 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.

18. 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.

19. Vehicle Driveway Crossings and Gutter Laybacks

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

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

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

20. Carrying capacity of driveways - Heavy duty

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

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

21. Street boundary levels

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

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

22. Road opening permit

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

Reason:- to safeguard Council property against damage.

23. 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.

24. On street drainage design

Prior to the issue of any Construction Certificate, detailed design for the proposed connection to existing Council's storm water pipe shall be submitted and approved by the Manager of Development Assessment of Auburn City Council. In this regard:-

- Longitudinal section, of the proposed storm water outlet within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- A grated pit shall be provided at the point of connection in the Council's pipe system.

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

25. On street drainage construction

Prior to the commencement of any drainage works, the street drainage works shall be completed to Council's satisfaction at no cost to Council.

Inspections will be required for the works related to the proposed connection to Council's storm water drainage system at following stages:

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

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. 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.

26. Storm water disposal

All storm water runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged through the downstream easement to the existing Council's storm water system in Mary Street.

Reason:- to prevent localised flooding.

27. Water Reuse

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

In this regard, a 5,000 litre rainwater tank shall be provided within the development. Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

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

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

28. 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.

29. 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 into the Construction Certificate.

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

- The proposed stormwater system shall be generally in accordance with the approved stormwater concept plans approved as part of the deferred commencement conditions.
- All access grates to the detention facility shall be double (2/900x450) hinged grates.
- Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

30. Stormwater disposal - on-site detention

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

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

Note:

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

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

31. 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.

32. 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.

33. Engineer Certificate for critical 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.

34. Basement drainage system

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

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, 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.

35. Works-as-Executed Plan - Drainage Plans

Prior to occupation of the building or issue of the occupation certificate, two (2) copies

of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

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

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

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

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

36. Footpath design - Park Road

The footpath adjoining the site shall be constructed in concrete unit paving in accordance with the Auburn Council Town Centres Infrastructure Manual. All associated costs shall be borne by the applicant. Site boundary levels shall be raised where necessary to eliminate any existing low-level footpath profiles, with satisfactory end-transitions provided. In this regard:-

- Prior to the issue of any Construction Certificate, detail footpath design shall be submitted and approved by Council's Works and Services section.
- Street boundary levels obtained from Council shall be incorporated in the design.
- All services shall be adjusted to relevant Authority requirements to the design levels.
- All associated cost shall be borne by the applicant.

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

37. Works within Council controlled lands

(1) For drainage works:

Within Council controlled lands.

Connecting to Council's storm water drainage system.

Inspections will be required:-

- After the excavation of pipeline trenches.

- After the laying of all pipes prior to backfilling.
- 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.

38. 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.

39. Mechanical Ventilation Systems/Cooling Towers

The mechanical ventilation system shall comply with Australian Standard AS1668.2 - 1991. The use of mechanical ventilation and air conditioning in buildings. Prior to installation, the design is to be certified by a person competent to do so. At the completion of the installation of the mechanical ventilation system, the work shall be certified by a person competent to do so. The certification shall include:-

- inspection, testing and commissioning details.
- date of inspection testing and commissioning.
- the name and address of the individual who carried out the test.
- a statement that the service has been designed, installed and is capable of operating to the above standard.

Any cooling tower installation shall be designed, installed and maintained in accordance with the requirement of the Public Health (Microbial Control) Regulation 2000 and Australian Standard AS/NZS 3666.2:1995 Air-handling and water systems of buildings Microbial control Operation and maintenance. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

A copy of the installation certificate shall be submitted to Council prior to occupation of the building to enable details of any cooling towers to be entered on Council's Cooling Tower register.

Reason:- to ensure compliance with the Building Code of Australia and Public Health (Microbial Control) Regulation 2000.

40. Air conditioning units - location and acoustics

a) Air conditioning units are not to be visible from the street or public place and are

not to obscure windows/window frames or architectural features of the building.

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

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

41. No rendering for the side walls

The northern and southern side walls of the building may be painted in the colour nominated on the approved plans but the use of painted render is not approved. In this regard, the plans for the construction certificate shall be modified to show no rendering material for the northern and southern side walls of the development.

Reason:- rendering readily breaks apart resulting in an unsightly building and to reduce the cost of future repairs to the building.

42. Noise and Vibration

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

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure LA eq period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales

(EPA) Industrial Noise Policy.

- d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above LAeq 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.

43. 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.

44. Occupation Certificate

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

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

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

45. Arrangements for Water and Sewer Services

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

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

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

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

46. Sydney Water Approval

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

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

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:-

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

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

47. 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.

48. Subdivision development application requirements

The following requirements will apply to any future development application for subdivision at the site:-

- a) The Strata subdivision or other subdivision of the development being the subject of a further Development Application to Council; and,
- b) This development application for subdivision must be accompanied by the

following documentation that indicates:-

- i) The requirement for the employment of a person 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.
- ii) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under this Development Consent.
- iii) Responsibilities with regard to the operation maintenance of artificial features at the property (eg water features, intercom systems, vehicle access doors etc.) in accordance with the plans and details approved under this Development Consent.
- iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times.
- v) Responsibilities to ensure that receptacles for the removal of waste, recycling on the designated day of collection.
- vi) The Owners Corporation obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
- vii) The Owners Corporation/Executive Committee obligations to ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.

Reason:- to ensure appropriate documentation is submitted with any application for subdivision of the development.

49. Separate Development Consent

No signs, whether for advertising, directory or identification purposes or for any other purpose, are to be erected on the land without the written consent of Council having first been obtained.

Reason:- to limit and control advertising.

50. 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 Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours”.

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

51. 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 proposed fire safety measures provided in relation to the land or any existing building on the land (not applicable to dwellings or outbuildings).
- c) 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).
- d) Method of protecting window/door openings as required by BCA Part 3.
- e) 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).
- f) A BBQ facility be shown to be installed within the rear common open space to make the area more attractive for its use by the residents.
- g) All laundry facilities to be enclosed within rooms and closets. In this regard appropriate doors or closet doors shall be provided so that the rooms are not directly visible to habitable spaces.
- h) A modified BASIX Certificate correcting the anomaly with the “Common Area Garden. In this regard, the Common area garden should read 67 square metres and not 16 square metres.
- i) A modified BASIX Certificate requiring the installation of a rainwater tank into the development for the capture and reuse of storm water runoff.
- j) A modified BASIX Certificate that ensures Apartment Numbered A11.01 is removed from the development.
- k) The doors to the electricity substation shall not overhang the Council footpath.

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

52. 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.

53. 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.

54. 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) The pier holes before they are filled with concrete.
- c) The foundation material prior to covering.
- d) The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).
- e) The dampcourse level, ant capping and floor timbers before the floor materials are laid.
- f) The framework including roof members when completed and prior to the fixing of any internal sheets.
- g) Prior to covering waterproofing in any wet area.
- h) Fire resisting construction before concealment.
- i) Upper floor beams and joists before the fixing of any flooring material.
- j) The rainwater drainage lines within the property boundaries when completed and before covering.
- k) 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.

55. 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.

56. 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.

57. 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.

58. Excavated and Filled Areas

All excavated and filled areas shall be battered to a slope not steeper than two (2) horizontal to one (1) vertical and the fill area shall continue a minimum of one metre past the edge of the house, or similarly be retained in accordance with a retaining wall detail approved by Council. In the event that the retaining wall exceeds 600 mm when

measured vertically from the base of the cut, the wall shall be designed by a practicing Structural Engineer, the details submitted to Council, and approved prior to work commencing.

Reason:- to adequately retain excavated and filled areas and prevent soil movement, which may be detrimental to the subject or adjoining premises.

59. Fencing of Construction Sites - Rental details to be provided to the PCA

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

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

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

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

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

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

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

60. 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) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- b) 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.
- c) 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.
 - d) 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.
 - e) 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.

61. 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.

62. 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.

63. Excavations extending below the base of footings of adjoining development

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

64. Dilapidation Report - Prior to Excavation of Basement

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

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

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

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

65. Survey Documentation

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

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

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

66. 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.

67. 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.

68. Soil and Water Management Plan - Large sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the Plan shall be maintained at all times. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

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

69. 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.

70. Site compaction - work methodology

Prior to the issue of a Construction Certificate, a work methodology prepared by an appropriately qualified geotechnical engineer shall be submitted to the Principal Certifying Authority for approval in respect of all site compaction works. The work methodology shall address the following:-

- a) Predicted vibration emissions extending beyond the boundaries of the site generated from the construction works indicating compliance with the requirements of the NSW Environment Protection Authority's Noise Control Guidelines - Vibration in Buildings; and
- b) Measures to minimise dust, offensive noise emissions and vibrations to demonstrate compliance with the NSW Environment Protection Authority's Noise Control Guidelines - Construction Site Noise.

Reason:- to ensure that carrying out of site compaction works is of minimal impact in the locality.

71. Dial before you dig (advisory)

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

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

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

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

72. 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.

73. 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.

74. 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.

75. 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.

76. Number of Car Parking Spaces

A total of 106 off-street car parking spaces are to be provided to the development divided into the following:-

- Retail / Commercial use - 4 spaces.
- Residential use - Minimum 94 spaces.
- Visitor - 8 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 carparking spaces shall be a minimum width of 2.6 m.

Carparking 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. Carparking 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.

77. Signs for Visitor Parking

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor parking spaces shall be clearly sign marked.

Reason:- to ensure the visitor parking spaces are clearly identified.

78. 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.

79. 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.

80. Loading and Unloading of Vehicles

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

Reason:- to ensure delivery vehicles do not obstruct these designated areas of the site.

81. 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.

82. 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.

83. 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.

84. Driveway surface treatment

Driveway surface treatments must finish at the property boundary.

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

85. 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 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.

86. Car park and service vehicle area layout

- a) The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be line marked.
- b) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2004 Off Street Parking Part 2 - Commercial Vehicle Facilities.

Reason:- to ensure that the car parking and service vehicles areas are designed and constructed to meet relevant Australian Standards.

87. 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.

88. Traffic Management

A traffic management plan prepared by a suitably qualified person shall be submitted

to and approved by Council for all demolition, excavation and construction activities associated with the development prior to commencement of any work within the subject development site.

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

89. Ramp gradients

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

Copy of the approved plan shall be submitted to Council.

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

90. 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.

91. Limit of the delivery trucks

Vehicles making deliveries to the retail area shall be limited to small rigid vehicle (SRV) that is defined in Australian standard AS2890.2.

Reason:- to ensure delivery trucks use approved loading area.

92. Demolition of buildings

The buildings 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. 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.

99. 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.

100. Neighbour 24 notification of commencement of demolition

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

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

101. 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.

102. Maintenance Schedule

Prior to the issue of a Construction Certificate a maintenance schedule to be submitted to the Principal Certifying Authority for approval as to the ongoing maintenance and upkeep of the finishes and materials to the building. This shall include, but not be limited to the following:

- a) The exterior of the buildings being painted at least once in every ten year period.
- b) The externally visible windows of the buildings being washed once every year; and
- c) Timber work (screens, fences and the like) to the building and site being protected against fading/discolouration and warping.

Reason:- to ensure adequate ongoing maintenance to the development.

103. SEPP 65 - Design Verification

The following requirements arising from State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings 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 Flat 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 Flat 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.

104. 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.

105. 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.

106. 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.

107. 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.

108. Basement appearance

- a) Basement walls to the development that are visible above ground level are to be appropriately finished and be treated to be consistent with the appearance of the building.
- b) Where the basement wall extends within 1.2m of the side or rear boundary, ventilation grilles are not to be provided within these elevations.

Reason:- to ensure that the basement walls are appropriately treated and in accordance with Council's Development Control Plan requirements.

109. Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the buildings.

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

110. Removal of Litter

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

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

111. Light Overspill

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

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

112. 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.

113. 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.

114. 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.

115. Removal of tree on property known as 16 to 20 Park Road

As per correspondence signed by Ken Stevenson of Strata Agent Delegate SP 73515 of 16 to 20 Park Road Auburn and dated 1 December 2015, the tree shown on the landscape plan and known as E10 may be removed. However, the tree shall be replaced with a similar tree species upon the conclusion of building works.

The replacement tree shall be a Casuarina Cunninghamia (River She Oak) and should have a minimum pot size of 100 litres and a minimum height of 3 metres.

The tree shall be located within the site at an agreed location with the assistance and advice of the Strata Manager of the site.

All works associated with the removal of tree known as E10 on the landscape plan and the purchase and planting of the new replacement tree shall be borne by the developer.

The tree shall be planted prior to the issue of the Occupation Certificate.

Reason:- to permit the development at 22 to 24 Park Road to proceed without adverse impact to Number 16 to 20 Park Road.

116. Removal of tree on property known as 21 Mary Street

As per correspondence signed by Anthony Sadek, the owner of Number 21 Mary Street and dated 10 February 2016, the trees shown on the landscape plan and known as E17, E18 and E19 may be removed. However, the trees shall be replaced with similar tree species upon the conclusion of building works.

The replacement trees should have a minimum pot size of 100 litres and a minimum height of 3 metres.

The trees shall be located within the site at an agreed location with the assistance and advice of the owner of the site.

All works associated with the removal of the trees known as E17, E18 and E19 on the landscape plan and the purchase and planting of the new replacement trees shall be borne by the developer.

The trees shall be planted prior to the issue of the Occupation Certificate.

Reason:- to permit the development at 22 to 24 Park Road to proceed without adverse impact to Number 21 Mary Street.

117. Removal of tree on property known as 11 Harrow Road

As per correspondence signed by New South Wales Land and Housing Corporation and dated 18 February 2016, the tree shown on the landscape plan and known as E02 may be removed. However, the tree shall be replaced with a similar tree species upon the conclusion of building works.

The replacement tree should have a minimum pot size of 100 litres and a minimum height of 3 metres.

The tree shall be located within the site at an agreed location with the assistance and advice of the owner of the site.

All works associated with the removal of the tree known as E02 on the landscape plan

and the purchase and planting of the new replacement tree shall be borne by the developer.

The tree shall be planted prior to the issue of the Occupation Certificate.

Reason:- to permit the development at 22 to 24 Park Road to proceed without adverse impact to Number 11 Harrow Road.

118. Paving Selection

Selection of paving for use within the development shall give consideration to materials that reduce glare and minimise surface runoff.

Reason:- to ensure appropriate paving selection within the development as required by Council's Development Control Plan.

119. Mail Box Structure

An Australia Post approved lockable mail box structures shall be centrally located to the primary street entry of the site.

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

120. Compliance with the Submitted Acoustic Report

All noise control measures specified in the acoustic assessment report prepared by Acoustic Logic (Reference Number 20140399.1/0109A/R1/JL) and dated 1/09/2015 shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

Details shall be shown in the Construction Certificate for approval by Council or the Accredited Certifier.

Reason:- to ensure the recommendations of the acoustic report are incorporated into the development.

121. Acoustic Certification

Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic assessment report prepared by Acoustic Logic (Reference Number 20140399.1/0109A/R1/JL) and dated 1/09/2015. Where the criteria are not achieved, the acoustic report is to include recommendations for any additional noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- to ensure satisfactory acoustic measurements is achieved.

122. Closed circuit Television cameras

Closed circuit cameras are to be installed in and around the premise especially at entry and exit points to maximise surveillance opportunities. Furthermore:-

- Digital and monitored technology should be used to record images from the cameras.
- Installed surveillance equipment should be maintained in working order and regularly maintained and tested.

Details shall be shown in the Construction Certificate plans for approval by Council or the Accredited Certifier.

Reason:- to improve the security of the building especially at entry and exit points.

123. Future use of commercial tenancies

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial units in accordance with relevant Australian standards to allow for the event that any of the commercial tenancies are approved for future use as food premises or other uses that require mechanical ventilation.

Details shall be shown in the Construction Certificate for approval by Council or the Accredited Certifier.

Reason:- to ensure provision is made for mechanical ventilation in the event the two commercial tenancies are approved for food and drink premises.

124. Use of building not to commence until conditions of consent satisfied

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

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

125. Removal of litter and graffiti:

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

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

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

126. Surveillance tapes:

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

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

127. Security warning signage

Warning signs shall be strategically posted around the perimeter of the property especially near entry points to warn intruders of the security measures. Such notices may state:-

- Warning:- These premises are under constant surveillance.
- Warning:- Don't leave valuables inside your vehicle.

In addition, directional signage should be posted at decision making points such as entry / egress points to provide guidance to patrons whilst driving their vehicles.

Details shall be shown in the plans for the Construction Certificate for approval by Council or the Accredited Certifier.

Reason:- to improve safety for the building.

128. Graffiti and Vandalism Rectification

Should the external fabric of the building, walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surfaces returned to a condition it was in before defilement.

Reason:- to ensure graffiti and vandalism is removed from premises in a timely manner and to protect the visual appearance of the area.

129. 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.
- 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.

130. 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.

131. Separate application for use

A separate development application or complying development certificate for any proposed use of the ground floor commercial tenancies must be submitted for approval prior to any fit out or use.

Reason:- to ensure that any proposed use has Council consent.

132. Garbage Storage and Collection

All garbage shall be removed from the site directly via the basement/at grade garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

133. 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.

134. 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.

135. 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.

136. 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.

137. 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.

For: Ms J. Walsh, Mr S. McDonald and Mr P. Moulds AM.

Against: Nil.

ITEM C002/16 - 51 KIRKHAM ROAD, AUBURN

Resolved unanimously by the Cumberland Independent Assessment Panel that Development Application No. DA-292/2015 for Demolition of existing structures and construction of 2 storey boarding house comprising 14 rooms, with basement car parking on land at 51 Kirkham Road, Auburn be approved subject to the following condition set:-

1. Approved Plans

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

Plan No.	Description	Prepared By	Rev	Dated
-	Site Analysis	APW Design	E	2 March 2016
-	Basement Plan			
-	Ground Floor Plan			
-	First Floor Plan			3 March 2016
-	Elevations			
-	Sections			
-	Demolition Site management Ongoing Operation Plan	-	-	-
-	Site Management Plan	-	-	-
-	Material Finishes	-	-	-
-	Waste Management Plan	Andrew Wilson apwdesign	-	17 August 2015
LD_01	Landscape Plan	Venation Landscapes	B	23 July 2015
J150104	Traffic and Parking Report	Neilly Davies Consulting Engineers	A	4 August 2015
J150104-SW01	Stormwater Construction Notes		-	7 March 2016
J150104-SW02	Stormwater Management Plan – Ground Floor			
J150104-SW03	Stormwater Management Plan – Basement			
J150104-SW04	Erosion & Sediment Control Plan			
J1500084	Operational Plan of Management	A	3 July 2015	
516	NCC Section J report	Sustainable Thermal Solutions	1	27 June 2015

E559	Preliminary Site Investigation	Benviron Group	0	26 June 2015
-	Arborist Report	Apex Tree & Garden Experts	-	9 June 2015

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act 1979).

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

1A. Operational Plan of Management

The premises shall be operated in accordance with the Operational Plan of Management dated 3 July 2015. Where there is any conflict between the provisions of the Operational Plan of Management and the specific conditions of this consent, the specific conditions of consent shall prevail.

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 95 of the Environmental Planning and Assessment Act 1979.

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 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended Construction Certificate.

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

4. 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.

5. Appointment of Principal Certifying Authority/Notice of Commencement of Work

Site works are not to commence until:-

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

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

6. Principal Certifying Authority

- a) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision

work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.

- a1) Despite subsection (a), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- b) Despite subsection (a), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- c) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
 - i) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
 - ii) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
 - iii) that the owner-builder is the holder of any owner-builder permit required under the Home Building Act 1989, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
 - iv) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
 - v) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- d) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

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

prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. Commonwealth Disability Discrimination Act 1992

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

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

12. Replacement of Principal Certifying Authorities

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

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

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

13. Notice to Allow Inspections

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

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

14. Erection of Signs

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

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

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

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

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

15. Maximum occupancy

The boarding house is approved to accommodate a maximum of 18 lodgers. Boarding room no. 1, 2, 7 and 12 are permitted to be occupied by a maximum of 2 lodgers. All other boarding rooms are not permitted to be occupied by more than 1 lodger at any one time.

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

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

16. Boarding Houses Act 2012

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

17. Compliance with Acts and Regulations for Shared Accommodation

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

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

18. Occupancy Agreements

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

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

19. Soil and Water Management Plan – Large sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the Plan shall be maintained at all times. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

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

20. 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.

21. Traffic Management

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

Reason:- to minimise the impact on street traffic.

22. Ramp grade and Shared Zone Design

Prior to issue of any Construction Certificate amended access ramp design and parking layout plan addressing following shall be submitted to and approved by Auburn City Council's Manager Development Assessment:

- a) Adequate clear opening from shared zone to circulation aisle is provided. In this regard clear space between parking space 1 and the access ramp shall be minimum 1.2m.
Note: This can be achieved by relocating the storages away from the parking space 1 and associated shared zone.
- b) Maximum sag grade change shall be limited to 15% (1 in 6.7). In this regard access ramp end transition at the basement shall be modified.

Reason:- to ensure ramp grade complies with Australian standard AS2890.1 and adequate clear opening from shared zone to circulation aisle is provided.

23. Connection to Council's Drainage System

Prior to the issue of any Construction Certificate a detail design for the proposed connection to existing Council's stormwater pipe shall be submitted and approved by Auburn City Council. In this regard

- a) A longitudinal section, of the proposed 375mm diameter pipe, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- b) A standard kerb inlet pit shall be constructed at the kerb.

Prior to the commencement of any works the above drainage works shall be completed to Council's satisfaction. In this regard,

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

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

24. Stormwater disposal

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Council's underground drainage system in Kirkham Road.

Reason:- to prevent localised flooding.

25. Works within Council controlled lands

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

Inspections will be required:-

- After the excavation of pipeline trenches.
- After the laying of all pipes prior to backfilling.

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

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

26. Installation of Privacy Screens on First Floor Balconies

The construction of 1.7m high privacy screens along the eastern edges of the balconies for boarding room No. 10, 12 and 14 and along the western edges of the balconies for boarding room No. 9, 11 and 13 in the development is required. Details shall be submitted to the Private Certifying Authority prior to the release of a Construction Certificate.

27. 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 Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours".

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

28. 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 (BCA).
- 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.

29. Prior to the Issue of the Construction Certificate

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

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

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

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. Fencing of Construction Sites – Rental Details to be Provided to the PCA

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

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

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

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

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

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

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

38. 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.

39. 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.

40. 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.

41. 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.

42. Dilapidation Report - Prior to Excavation of Basement

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

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

subject site

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

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

43. 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.

44. Dial Before You Dig (Advisory)

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

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

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

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

45. 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.

46. 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.

47. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the Basement Plan prepared by APW Design and endorsed plan dated 2 March 2016 (Revision E), 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.

48. 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.

49. Driveway Surface Treatment

Driveway surface treatments must finish at the property boundary.

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

50. 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 Development Control Plan.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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:-
 - ix) Work Health and Safety Act 2011;
 - x) Work Health and Safety Regulation 2011;
 - xi) Protection of the Environment Operations Act 1997

- xii) Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999
- xiii) Waste Avoidance and Resource Recovery Act 2001.
- xiv) The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- xv) The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and
- xvi) 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.

57. 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.

58. 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.

59. Neighbour 24 notification of Commencement of Demolition

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

of the start of the demolition work.

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

60. 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.

61. Vehicle Driveway Crossings and Gutter Laybacks

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

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

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

62. Carrying Capacity of Driveways – Heavy Duty

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

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

63. Street Boundary Levels

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

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

64. Road Opening Permit

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

Reason:- to safeguard Council property against damage.

65. 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.

66. 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.

67. Water Reuse

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

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

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

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

68. Submission of Full Stormwater Disposal Details

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

The details shall be prepared by a suitably qualified person and must be in accordance

"Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

- i) The proposed stormwater system shall be generally in accordance with the stormwater concept plans S01, S02 and S03 dated 09. 02. 2016 prepared by Neilly Davies Consulting Engineers.
- ii) All access grates to the detention facility shall be double (2/900x450) hinged grates.
- iii) Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- iv) A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

69. Stormwater Disposal – On-Site Detention

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with Auburn Development Control Plans 2010 - Stormwater Drainage. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

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

Note:

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

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

70. 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.

71. 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.

72. 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.

73. Basement Drainage System

Basement drainage is to comply with Auburn Development Control Plans 2010 – stormwater drainage". In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, 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.

74. Footpath Construction – Kirkham Road

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

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

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

75. Works-as-Executed Plan – Drainage Plans

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

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

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

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

- Checklists A3, A4 & A5 in the appendix of the “Auburn development control plans 2000 stormwater drainage” shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

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

76. Water Pollution

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

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

78. 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.

79. 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.

80. 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.

81. Air Conditioning Units – Location and Acoustics

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

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

82. 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.

83. Occupation Certificate

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

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

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

84. 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.

85. Arrangements for Water and Sewer Services

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.

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

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

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

86. Sydney Water Approval

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

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

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

or telephone 13 20 92.

Note: The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water

before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or

- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

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

87. 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.

88. 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.

89. Garbage Storage and Collection

All garbage shall be removed from the site directly via the basement/at grade garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

90. 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.

91. 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.

92. Maintenance of Water Treatment Devices

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

Reason:- to prevent water pollution from occurring.

93. Use of Building Not to Commence Until Conditions of Consent Satisfied

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

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

94. Building not to be Adapted for Another Use

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

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

95. Removal of Litter and Graffiti

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are

kept clean and clear of litter at all times.

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

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

96. Surveillance tapes

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

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

97. CCTV Camera System

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

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

98. Graffiti and Vandalism Rectification

Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

Reason:- to ensure graffiti and vandalism is removed from premises in a timely manner and to protect the visual appearance of the area.

99. Target Hardening Strategies to Reduce Crime

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

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

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

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

100. 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.
- 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.

101. 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.

102. Auburn DCP 2007: Section 94 Development Contributions - LGA Wide

A sum of \$ 46,129.28. is to be paid to Council for the purpose of LGA Wide plans being provision of open space and recreation facilities, community facilities, accessibility & traffic works, town centre upgrades, car parking and Council's administration of development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$11,375.35
Public Domain	\$25,158.96

Accessibility and Traffic	\$6,931.13
Administration	\$2,663.84
TOTAL	\$46,129.28

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

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

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

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

Reason:- To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions and to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

For: Ms J. Walsh, Mr S. McDonald and Mr P. Moulds AM.

Against: Nil.

ITEM C003/16 - NORTH AUBURN PRECINCT PLANNING PROPOSAL

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP):

1. Receive and note the supplementary advice on traffic and transport from Hyder (Attachment 1), and the report on site specific controls for the planning proposal prepared by AECOM (Attachment 2);
2. Recommend that the planning proposal for the North Auburn precinct to rezone the subject land from R3 Medium density residential to R4 High Density Residential and associated development controls be amended to delete the proposed height and FSR bonus provisions of 25m and 0.3;1 respectively, and delete the corresponding requirement to provide a 2,500m² public park in the North Auburn precinct; and
3. Recommend that this Planning Proposal, once amended as per 2 above, be reported to Council seeking a resolution to revise the planning proposal accordingly, and forward it to the Department of Planning and Environment for a revised Gateway Determination and Delegation to exhibit the Auburn Local Environmental Plan (Amendment No.20).

For: Ms J. Walsh, Mr S. McDonald and Mr P. Moulds AM.

Against: Nil.

The meeting terminated at 12:49 p.m.

Signed:

A handwritten signature in blue ink, appearing to read "Juni Wan".

Chairperson