

**Minutes of the Cumberland Independent Hearing and Assessment Panel held at Merrylands Administration Building, 16 Memorial Ave, Merrylands on Wednesday, 13 July 2016.**

**PRESENT:**

The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Mr. S. McDonald and Mr. M. Byrne.

**IN ATTENDANCE:**

William Attard, Adan Davies, Michael Lawani, Aleks Milinkovic, Karl Okorn, Michael Rogers, Natalie Stanowski and Michael Wearne.

The meeting here opened at 11:35 a.m.

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:

<u>Speakers</u>	<u>Item No./Subject</u>
Mr. Matthias Hollenstein	C006/16 – 13-17 Taylor Street, Lidcombe.
Mr. Brad Delapierre	C007/16 – 61 -63 Mountford Avenue, Guildford.
Ms. Lisa Lake	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.
Mr. Mark Zeaiter	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.
Mr. Daniel McNamarra	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.
Mrs. Margaret Chapman	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.
Mr. John R. Hunter	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.
Ms. Maria Cignarella	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.
Mr. Neil Toft	C008/16 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.

Mr. M. Hollenstein addressed the Panel on Item C006/16 – 13-17 Taylor Street, Lidcombe.

Mr. B. Delapierre addressed the Panel on Item C007/16 – 61 -63 Mountford Avenue, Guildford.

Ms. L. Lake, Mr. D. McNamarra, Mr. J.R. Hunter, Ms. M. Cignarella and Mr. N. Toft each in turn, addressed the Panel on Item C008/19 – Wentworthville Centre Planning and Place Making Strategy Exhibition Submissions and Planning Proposal Request.

The public part of the Cumberland Independent Hearing and Assessment Panel meeting closed at 12:20 p.m.

The Panel remained in the Merrylands Council Chambers for consideration of the matters listed on the Business Paper and made its determinations as follows:

### **ITEM C004/16 - 39 HUDSON STREET, WENTWORTHVILLE**

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel that the Section 96(1a) Modification Application 2006/438/2 seeking amendment to the kitchen window at 39 Hudson Street, Wentworthville be approved subject to the following amendment to Condition 2:

Condition 2 is amended to read as follows:-

2. Development shall take place in accordance with the attached endorsed plans:

- Architectural plan J910/2005 dated 17 November 2005;
- Waste Management Plan dated 16 December 2005;
- Specification.

As amended by the following plans approved by modification application 2006/438/2:

- Kitchen elevation prepared by Impala Kitchens dated 6 May 2016;
- Ground floor plan and elevation plan submitted to Council on 12 May 2016.

All other conditions of Development Consent 2006/438/1 remain unchanged.

Please Note: The approved S96(1A) modification only relates to the kitchen window shown bubbled on the approved plans. No other approval is implied or granted.

An amended Construction Certificate is required as a result of the modification. You are to consult your Principal Certifying Authority in this regard.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr B. Kirk, Mr S. McDonald and Mr M. Byrne.

Against: Nil.

**ITEM C005/16 - 39 CLYDE STREET, GUILDFORD**

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel that further consideration of the matter be deferred to the next meeting of the Cumberland Independent Hearing and Assessment Panel to enable the applicant, owners and objectors to be appropriately notified in accordance with Council's procedures.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr B. Kirk, Mr S. McDonald and Mr M. Byrne.

Against: Nil.

**ITEM C006/16 - 13-17 TAYLOR STREET, LIDCOMBE**

Resolved by the Cumberland Independent Hearing and Assessment Panel that Development Application No. DA-352/2015 for demolition of existing residential flat building and hotel / motel complex, construction of a 10 storey residential flat building comprising 96 apartments over a three storey basement car park and Strata Title Subdivision on land at 13-17 Taylor Street, Lidcombe, be approved 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, this development consent will not operate until you satisfy the Council as to the matters set out in these "deferred commencement" conditions.

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

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

**DC1. Amended Stormwater Plans**

Amended stormwater plans shall be submitted to comply with the amended architectural plans and Council's requirements to the satisfaction of Council. In this regard,

- a) On site stormwater detention storage system shall be provided in conjunction with the stormwater disposal. The details shall be prepared by qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987.
- b) High early discharge control pit shall be provided.
- c) Amended OSD calculation sheet shall be submitted.
- d) Stormwater runoff from all the areas except bypassing area shall be

- discharged to high early discharge control pit.
- e) OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.
  - f) Detention facility shall comply with Council stormwater DCP and Council's standard drawings.
  - g) Details of the stormwater disposal from the bypassing area shall be shown on the plan.

### **DC2. On-street Drainage Design**

A detailed design for the proposed connection to existing Council's stormwater pipe shall be submitted to the satisfaction of Council. In this regard,

- a) Longitudinal section, of the proposed stormwater outlet within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- b) A standard grated kerb inlet pit shall be provided over the outlet pipe at the kerb.
- c) A Junction pit shall be provided at the point of connection in the Council's pipe system.

### **DC3. Amended BASIX Certificate**

The applicant shall submit a BASIX Certificate and associated documentation to reflect the final design of the development including all associated modifications to unit numbers and layouts.

### **DC4. Schedule of Finishes and Materials**

The applicant shall submit for approval by the Council details of all finishes and materials, including samples. All elevations are to be notated identifying the materials and finishes for each part of the building.

In order to limit future maintenance, areas proposed to be painted rendered concrete are to be minimised.

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

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

## **2. Approved Plans – Deferred Commencement**

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
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DRWG No. DA 002	Stewart Architecture	B	08/10/2015
DRWG No. DA 003	Stewart Architecture	C	30/06/2016
DRWG No. DA 100	Stewart Architecture	C	17/03/2016
DRWG No. DA 101	Stewart Architecture	C	17/03/2016
DRWG No. DA 102	Stewart Architecture	C	17/03/2016
DRWG No. DA 103	Stewart Architecture	D	30/06/2016
DRWG No. DA 107	Stewart Architecture	C	17/03/2016
DRWG No. DA 114	Stewart Architecture	B	08/10/2015
DRWG No. DA 181	Stewart Architecture	C	17/03/2016
DRWG No. DA 182	Stewart Architecture	C	17/03/2016
DRWG No. DA 183	Stewart Architecture	C	17/03/2016
DRWG No. DA 184	Stewart Architecture	A	17/03/2016
DRWG No. DA 201	Stewart Architecture	D	30/06/2016
DRWG No. DA 202	Stewart Architecture	C	17/03/2016
DRWG No. DA 203	Stewart Architecture	D	30/06/2016
DRWG No. DA 204	Stewart Architecture	D	30/06/2016
DRWG No. DA 301	Stewart Architecture	C	17/03/2016
DRWG No. DA 302	Stewart Architecture	C	17/03/2016
DRWG No. DA 400	Stewart Architecture	B	08/10/2015
DRWG No. DA 01	Sue Barnsley Design	G	31/03/2016
DRWG No. DA 01	Sue Barnsley Design	D	31/03/2016
DRWG No. DA 01	Sue Barnsley Design	D	31/03/2016
DRWG No. C161	Northrop	3	23/03/2016
DRWG No. C163	Northrop	1	23/03/2016
Road and Traffic Noise and Vibration Assessment	Noise and Sound Services	-	September 2014
Waste Management Plan	Northrop	-	22/03/2016
Hazardous Building Materials Assessment	Environmental Investigation Services	-	16/02/2016
Stage 2 Environmental Site Assessment	Environmental Investigation Services	-	25/02/2016
BASIX Certificate Number 664962M	Gradwell Consulting	-	1 October 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. **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.

6. **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.

7. **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

## 8. 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.

## 9. 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.

10. **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.

11. **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.

12. **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

13. **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

14. **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.

15. **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.

16. **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.

#### 17. **BASIX Requirements**

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

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

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

#### 18. **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.

19. **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.

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

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

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

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

21. **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.

22. **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.

23. **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.

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

The following shall be complied 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.

## 25. 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.

26. **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.

27. **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.

28. **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.

29. **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.

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

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

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

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

31. **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.

32. **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.

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 or B 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 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.
- b) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.

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

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided **prior to the commencement of**

**demolition, excavation or building works** certifying that the demolition, excavation and or building works will not have an impact on **any** adjoining structure including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*).

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

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

43. **Footpath area to be illuminated**

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

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

44. **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.

45. **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.

46. **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.

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

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

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

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

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

48. **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.

49. **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.

50. **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 prepayment 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.

51. **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.

52. **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.

53. **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.

54. **Works within Council controlled lands**

(1) For drainage works:

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

Inspections will be required:-

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

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



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

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

55. **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.

56. **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.

57. **Stormwater Disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to existing Council's pipe drainage system in Taylor Street. In this regard a standard grated kerb inlet pit shall be constructed over the outlet pipe at applicant's cost.

Reason:- to ensure the stormwater is suitably discharged.

58. **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 approved stormwater concept plans approved as part of the approved plan set.
- 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. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

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

Reason:- to ensure the stormwater is suitably discharged.

**59. 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.

**60. 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

**61. 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

62. **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.

63. **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.

64. **Footpath Construction – Mark Street/Taylor Street/Laneway**

The footpath adjoining all street frontages, including Mark Street, Taylor Street and the laneway 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 footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation certificate.
- All associated cost shall be borne by the applicant

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

65. **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.
- 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.

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

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

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

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

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

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

67. **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](http://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.

68. **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.

69. **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.

70. **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.

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Stewart Architecture and endorsed plan Drawing Nos. DA100, DA101 and DA102, Rev C. dated 17/03/2016, shall not be used for any other purpose.

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

72. **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 signmarked.

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

73. **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.

74. **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.

75. **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.

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

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

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

77. **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.

78. **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.

79. **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.

**80. 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.

**81. 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.

**82. Accessible parking design**



Prior to the issue of the relevant construction certificate, the Principal Certifying Authority is to ensure accessible parking spaces, including shared zone, complies with Australian standard AS2890.6.

*Reason:-* to ensure accessible parking spaces comply with Australian standard AS2890.6..

83. **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.

84. **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.

85. **Sediment control**

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

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

86. **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.

87. **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

88. **Splay**

A 2.5m splay shall be provided at both the Taylor Street/Mark Street and Mark Street/Laneway corners. No structures shall be located within the splay area for 2.7m height from adjacent kerb levels. In this regard,

- a) **Prior to the issue of any Construction Certificate** detail plan showing compliance of above requirements shall be submitted to an approved by Principal Certifying Authority.
- b) **Prior to the issue of any Occupation Certificate** an appropriate restriction shall be placed on the title to ensure that no structures are erected within the splay areas.

The proposed wording of the restriction on the title shall be submitted to Council for prior approval.

Reason:- to ensure splay area is clear of any structure and dedicated to Council.

89. **Ausgrid – General Requirements**

- The applicant must be aware that there are safety clearances from the substation in relation to fire and blast segregation requirements as detailed in the Ausgrid Network Standards publications, NS141 and NS113 which are available on the Ausgrid website and the relevant link is given below.  
<http://www.ausgrid.com.au/Common/Industry/Network-documentation/Network-standards.aspx>.
- The applicant must check the location of underground cables by using *Dial Before You Dig* [www.ausgrid.com.au/Common/Safety/Safety-around-our-network/Dial-Before-You-Dig.aspx](http://www.ausgrid.com.au/Common/Safety/Safety-around-our-network/Dial-Before-You-Dig.aspx) and comply with the requirements of NS156: *Working Near or Around Underground Cables* (Ausgrid, 2010) [www.ausgrid.com.au/Common/Our-network/Standards-and-Guidelines/Network-standards.aspx](http://www.ausgrid.com.au/Common/Our-network/Standards-and-Guidelines/Network-standards.aspx).

Reason:- to advise the applicant of Ausgrid requirements and satisfy the provisions of the State Environmental Planning Policy (Infrastructure) 2007

90. **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.

91. **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.

92. **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.

93. **Common Wall Construction**

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that common party walls between the dwellings being constructed from solid masonry materials and not being lightweight construction.

*Reason:-* to ensure adequate acoustic separation and fire rating between dwellings within the development.

94. **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.

95. **Reflectivity Index of Glazing**

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

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

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

96. **Universal Design Features – Apartment Design**

Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features. Suitable evidence is to be provided to the Principal Certifying Authority demonstrating compliance with this part prior to the issue of the relevant Construction Certificate.

*Reason:-* to ensure suitably designed units form part of the development.

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

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

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

98. **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.

99. **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.

100. **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.

101. **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.

102. **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.

103. **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.

104. **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.

105. **Amenity**

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

Reason:- to protect the amenity of the locality.

106. **Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

Reason:- to protect the surrounding locality from offensive odours.

107. **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.

108. **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.

109. **Street Trees Planting**

Street tree planting is to be in accordance with DRRWG No. DA 01, Rev G, dated 31/03/2016 and prepared by Sue Barnsley Design. shall be planted by the applicant. Any costs associated with this work shall be borne by the applicant.

The applicant shall be responsible for co-ordination with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate and shall be maintained for a minimum 12 month period.

Reason:- to ensure planting and ongoing maintenance of street trees occurs to Council's satisfaction.

110. **Maintenance of proposed street trees**

Newly planted trees on Council land shall be maintained for a period of twelve months. Maintenance shall include watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other activities required to maintain a healthy tree. A suitably qualified horticulturist shall undertake all maintenance work.

Reason:- to ensure planting and ongoing maintenance of street trees to Council's satisfaction.

111. **Compliance with Submitted Acoustic Report**

All noise control measures specified in the acoustic assessment report prepared by Noise and sound Services, report number nss22319 dated September 2014 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.

Reason:- to mitigate noise concerns.

**112. 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 contain in the acoustic assessment report prepared by Noise and Sound Services, report number nss22319 dated September 2014 shall be installed prior to the issuing of the occupation certificate. Where the criteria are not meet the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- to ensure noise criteria are met through the occupation of the development.

**113. Noise and Vibration**

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

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

For assessment purposes, the above 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.

**114. 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.

**115. Approval required prior to the issue of Strata Subdivision Certificate (ie: Final subdivision approval requirements)**

The following documentation is to be submitted to Council prior to the issue of the strata subdivision certificate at the completion of building works:

- a) Submit a copy of the Section 73 certificate issued by Sydney Water for the development.
- b) Where an accredited certifier has been appointed as the Principal Certifying Authority for the building works, copies of the final compliance certificate, occupation certificate and any supporting documentation shall be submitted to Council.

Reason:- to ensure the development has been completed in accordance with the development approval.

**116. Submission of Plan of Strata Subdivision with subdivision certificate application**

The subdivision certificate application is to be supported by the submission of an original plan of subdivision together with seven (7) copies to be submitted to Council.

Note: A Strata Certificate fee is payable to Council on lodgement of the plans and an

inspection fee may be required before collection of the final signed plan of subdivision.

Reason:- to ensure an application is made for a subdivision certificate.

**117. Approval of Subdivision Plan**

The final plan of subdivision and strata subdivision certificate will not be endorsed by Council unless the building (or buildings) has been completed in accordance with the conditions contained in the notice of determination of development application DA-352/2015 and approved plans.

Reason:- to ensure the development proceeds in accordance with the approved plans.

**118. 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.

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

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

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

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

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

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

121. **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.

122. **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.

### 123. **Final Fire Safety Certificate**

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

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

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

#### NOTES:

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

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

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

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

The certificate shall certify:-

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

**NOTES:**

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

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

**125. Fire Safety Notices**

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

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

**126. 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.

**127. 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.

128. **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.

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](http://www.auburn.nsw.gov.au).

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

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

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 **\$382,221.88** 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	\$94,255.19
Public Domain	\$208,464.56

Accessibility and Traffic	\$57,439.50
Administration	\$22,062.63
<b>TOTAL</b>	<b>\$382,221.88</b>

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](http://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.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr B. Kirk and Mr S. McDonald.

Against: Mr M. Byrne.

### ITEM C007/16 - 61-63 MOUNTFORD AVENUE, GUILDFORD

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel:

- i. That the variation to Clause 4.3 - Height of Parramatta Local Environmental Plan 2011 under the provisions of clause 4.6, be supported.
- ii. That Council as the consent authority grant development consent to DA/742/2015 for the Demolition and construction of 3 storey Residential Flat Building comprising 21 units with basement car parking. for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the following condition set:

#### 1. General Matters

##### **Approved plans and supporting documentation**

The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Prepared By	Dated
Cover Page Drawing Number DA000	Australian Consulting Architects	14/12/2015
Site Plan Drawing Number DA001	Australian Consulting Architects	14/12/2015
Site Analysis and Location Plan Drawing Number DA002 (Revision B)	Australian Consulting Architects	14/12/2015
Site and Local Context Plan Drawing Number DA003 (Revision B)	Australian Consulting Architects	14/12/2015

Survey Plan Drawing Number DA004 (Revision B)	Australian Consulting Architects	14/12/2015
BASIX Commitments Drawing Number DA005 (Revision B)	Australian Consulting Architects	14/12/2015
Basement Plan Drawing Number DA100 (Revision B)	Australian Consulting Architects	14/12/2015
Ground Floor Plan Drawing Number DA 101 (Revision B)	Australian Consulting Architects	14/12/2015
Ground Floor Plan Drawing Number DA 102 (Revision B)	Australian Consulting Architects	14/12/2015
First Floor Plan Drawing Number DA 103 (Revision B)	Australian Consulting Architects	14/12/2015
First Floor Plan (Affordable Housing) Drawing Number DA 104 (Revision B)	Australian Consulting Architects	14/12/2015
Second Floor Plan Drawing Number DA 105 (Revision B)	Australian Consulting Architects	14/12/2015
Second Floor Plan (Affordable Housing) Drawing Number DA 106 (Revision B)	Australian Consulting Architects	14/12/2015
Roof Plan Drawing Number DA107 (Revision B)	Australian Consulting Architects	14/12/2015
Elevations 01 Drawing Number DA 200 (Revision B)	Australian Consulting Architects	14/12/2015
Elevations 02 Drawing Number DA 201 (Revision B)	Australian Consulting Architects	14/12/2015
Streetscapes Drawing DA202 (Revision B)	Australian Consulting Architects	14/12/2015
Sections 02 Drawing DA301 (Revision B)	Australian Consulting Architects	14/12/2015
Pre and Post Adaption Layouts 01 Drawing Number DA500 (Revision B)	Australian Consulting Architects	14/12/2015
Pre and Post Adaption Layouts 01 Drawing Number DA501 (Revision B)	Australian Consulting Architects	14/12/2015
Door and Window Schedules Drawing Number DA600 (Revision B)	Australian Consulting Architects	14/12/2015
Waste Management PI Drawing Number DA700 (Revision B)	Australian Consulting Architects	14/12/2015



Perspectives Drawing Number DA800 (Revision B)	Australian Consulting Architects	14/12/2015
Finishes Schedule Drawing Number DA801 (Revision B)	Australian Consulting Architects	14/12/2015
Landscape Plan Drawing Number L-01 (Revision C)	Ray Fuggle and Associates	7/12/2015
Stormwater Concept Plan Basement Level Sheet 1 of 2 DWG 101 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Basement Level Sheet 2 of 2 DWG 102 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Ground Level Sheet 1 of 2 DWG103 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Ground Level Sheet 2 of 2 DWG104 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Roof Plan DWG105 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
WSUD and OSD Details Sheet 1 of 2 DWG 106 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
WSUD and OSD Details Sheet 2 of 2 DWG 107 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Miscellaneous Details Sheet 1 of 2 DWG 108 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Miscellaneous Details Sheet 2 of 2 DWG 109 (Issue B)	Umbrella Group Pty Ltd	14/12/2015
BASIX Certificate Number 668712M		19 October 2015
Access Design Assessment Report Report reference P215-276-2 (Access) QT	Design Confidence	19 October 2015
Stormwater Quality Management Plan (Issue B)	Umbrella Group Pty Ltd	December 2015
Waste Management Plan	Joe Aflak	October 2015

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason:- to ensure the work is carried out in accordance with the approved plans.

2. **Prior to the issue of a Construction Certificate**

(Note: Some conditions contained in other sections of this consent (including

prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

**Consolidation of lots**

The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to the issue of the Construction Certificate.

Reason:- to ensure consolidation occurs and comply with the conveyancing Act 1919.

3. **Retaining walls**

If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.

Reason:- to minimise impact on adjoining properties.

4. **Dedication and Protection of Affordable Housing Units**

A covenant must be registered on the title identifying the affordable rental housing component of the development and indicating that the dwelling units must be used for affordable rental housing and managed by a registered community housing provider for a period of 10 years.

Reason:- to ensure protection of the affordable housing units.

5. **Management of the Affordable Housing Units**

A community housing provider (As defined in the Housing Act 2001) is to be nominated in written correspondence to Council and the PCA and is to be contracted to manage the units nominated as affordable rental housing (G1, G4, G5, G7, 1.01, 1.07 and 2.01). as shown on the approved plans prior to the release of any Occupation Certificate. A copy of the signed agreement between the owner and the community housing provider is to be submitted to Council at this time.

Reason:- to ensure that a community housing provider has been nominated to manage the affordable rental housing units.

6. **Management of affordable housing units.**

The applicant must nominate a community housing provider (CHP) who will manage the affordable housing component of the development. The CHP must demonstrate their familiarity with the local context of Parramatta. Council's Social Outcomes Team must be consulted by the appointed community housing provider to ensure that the affordable housing allocation process is compatible with the existing community need.

Reason:- to ensure appropriate management of the affordable housing units.

7. **Sydney Water Quick check**

The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water’s sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

Notes: For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) - see Building and Developing - then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

Reason:- to ensure the requirements of Sydney Water have been complied with.

8. **Dial Before you Dig Service**

Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason:- to ensure Council’s assets are not damaged.

9. **On site detention**

No work is to commence on the storm water system until the detailed final storm water plans have been approved by the Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate must ensure that:

The final drainage plans are consistent with the Concept Drainage Plans with the submitted drainage plans being the drawings titled

Drawing Number	Prepared by	Date
Stormwater Concept Plan Basement Level Sheet 1 of 2 DWG 101 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Basement Level Sheet 2 of 2 DWG 102 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Ground Level Sheet 1 of 2 DWG103 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Stormwater Concept Plan Ground	Umbrella Group Pty Ltd	27/1/2016

Level Sheet 2 of 2 DWG104 (Issue C)		
Stormwater Concept Plan Roof Plan DWG105 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
WSUD and OSD Details Sheet 1 of 2 DWG 106 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
WSUD and OSD Details Sheet 2 of 2 DWG 107 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Miscellaneous Details Sheet 1 of 2 DWG 108 (Issue C)	Umbrella Group Pty Ltd	27/1/2016
Miscellaneous Details Sheet 2 of 2 DWG 109 (Issue B)	Umbrella Group Pty Ltd	14/12/2015

Together with the notes and rectification as required to address the issues.

### **Filtration chamber and OSD Tank**

- I. In order to control the flow to the filtration unit to an equivalent of 1 in 3 months flow, an orifice of the appropriate size needs to be fitted to the pipe leading to the filtration unit.
- II. The overflow weir within the high flow bypass chamber (upstream side of the filtration unit) should be no lower than the downstream tail water level (ie overflow weir from the filtration unit). The entails the high flow bypass weir to be raised to at least level with the tail water ie RL60.0 metres.
- III. The invert level of the inlet pipe into the filtration chamber should be raised to level with the overflow weir (ie RL26.00 metres) to prevent the inlet being submerged.
- IV. To maintain the top water level within the storage area of the OSD tank to pre determined level, an overflow weir / pipes need to be fitted with the invert at the required overflow level within the OSD storage area.

### **Basement pump out tank**

- In order to prevent the basement car park being flooded due to surcharge of the basement pump out tank, the pump out tank should have sufficient holding capacity (7.9 metres). The holding capacity proposed (6.5 cubic metres) is insufficient and likely to surcharge during heavy storm needs to be increased to 7.9 cubic metres (4 metres x 2 metres x 1 metre).

### **Inconsistency between the stormwater plan and architectural plans.**

- Sewer line runs across the width of the two lots on the northern side of the lots which is in conflict with the basement car park. The sewer line requires relocation.
- The inconsistency (if any) between the stormwater pplan and other plans shall be eliminated. The amendments made on one plan shall be incorporated into other plans as well.

Note:- The referenced stormwater plans shall be amended to incorporate the rectification requirements (if any) and address the above issues prior to submission with the application for Construction Certificate to the Principal Certifying Authority for approval.

The proposed on site detention system has been designed by a suitably qualified hydraulic engineer in accordance with the Upper Parramatta River Catchment Trust “On Site Detention Handbook” and Council’s stormwater drainage guidelines.

The OSD design achieves when using the extended / flood detention method (4<sup>th</sup> edition of UPRTCs handbook), the site reference discharge (Lower storage), SRD of 40 l/s / ha, site storage requirement (lower storage) SSR L of 285 cubic metres / ha and site reference discharge (upper storage) SRDu of 150 L/s/ha site storage requirement (Total) SSRT of 439 cubic metres / ha with the primary storage (Extended Detention) volumes of 49.5 cubic metres, secondary storage (flood detention) of 25.5 cubic metres and with total storage of at least 75 cubic metres (excluding rainwater tank and filtration chamber) as specified on the OSD design calculation sheet.

The wall of the OSD tanks are to be constructed of reinforced concrete (RCC) or solid brick or concrete with waterproofing and water retaining capability to comply with the Australian Standard 3600-2009 - Concrete structures and Australian Standard 3700-2001 - Masonry Structures. The base of the OSD tank shall be constructed of RCC slab. No other construction materials other than those specified in this paragraph shall be used to construct the OSD tank. Failure to comply with the requirements in this condition will result in Council issuing an order to the applicant requiring demolition of any non complying components and reconstruction with complying materials.

Detailed stormwater plans with cross sectional details of control pit and the OSD storage areas; pits etc, the OSD detailed design submission (Form B9) and OSD detailed calculation sheets are to be submitted with the documentation accompanying the construction certificate application.

A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method is to be shown on the plan.

Changes or alterations to the approved design are not permitted. Any changes other than that are of a minor nature (such as minor relocation of pits and pipes), or the changes that affect the approved landscaping require approval from the Council.

Reason:- to minimize the quantity of stormwater runoff from the site, surcharge from the existing drainage system and to manage downstream flooding.

#### 10. **Storm water Quality Improvement Devices**

As a part accomplishment of water sensitive urban design principles under Section 3.3.6.1 of the Parramatta City Council Development Control Plan 2011, the following pollution reduction and improvement in stormwater quality measures

shall be implemented in accordance with the stormwater plan. Special consideration shall be given to the consistency in the hydraulic grade line (HGL) at various critical points of each component.

**a) High flow bypass chamber for the filtration units**

The filtration system is to treat the first flush runoff which contains high concentration of pollutant ie, the flow equivalent to the stormwater runoff generated from 1 in 3 months storm event with a duration equivalent to time of concentration (tc) for that sub catchment. (Note:- Flows generated from the runoff event higher than this is generally considered to contain low concentration of pollutant due to dilution. Hence to direct the first flush into the filtration system and bypass the excess flow directly into the OSD system, a high flow bypass chamber shall be installed at the upstream side of the filtration system. The dimensions of the chamber, size of orifice shall be in accordance with that shown on the approved plan. The invert level of chamber floor and outlet pipe shall be higher than the downstream water level. No variations to the approved parameters shall be permitted unless the requirements are demonstrated for justification.

**b) Filtration units / system**

As a component of the stormwater quality improvement devices (SQID's), the filtration system shall have sufficient flow and loading capacity appropriate for the treatment of inflow (first flush) and shall be installed in accordance with the manufacturers installation instruction. The size (capacity) of the filtration system including the holding chamber (if any) shall be such that no overflow of the untreated portion of the first flush occurs that bypass the treatment system.

No variation in the levels of the various components of the filtration units shall be accepted unless the requirements are demonstrated. The notes and rectification requirements as annotated on the approved plan shall be incorporated with the details of the proposed units which shall be submitted for the approval of the Principal Certifying Authority prior to the determination of the Construction Certificate. The certifier shall ensure that the designer has designed the units in accordance with the manufacturers / suppliers specifications and complied with all the requirements specified by the manufacturer / supplier of the units and incorporated all the notes and rectification requirements as annotated on the approved plan.

The installation shall be carried out in accordance with the manufacturers installation specification. Upon completion of installation, an installation completion certificate and performance certificate shall be obtained from the manufacturer and a copy be submitted to the Council.

**c) Standard operation and maintenance procedure**

Standard Operation and Maintenance Procedure Manual with the operation procedure and maintenance schedule for each of the component and the system as a whole shall be prepared and submitted to the Principal Certifying Authority for its approval. The certifier shall ensure that a copy of the manual shall be submitted to the Council prior to the issue of the Construction certificate. Provisions shall be

made to ensure that the occupant and / or the person / body responsible for maintenance of the stormwater system shall obtain a copy of the manual.

Reason:- to ensure that the water quality management measures are implemented.

11. **Design of underground tank structure**

As the underground OSD tank forms the OSD storage, the tank structures shall be designed and certified by a Certified Practising Structural Engineer taking into account of the structural loads including dead loads and live loads from the above and surrounding areas / structures which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account all loads influencing the tank structures, that it is duly certified and the structural design certificate has been provided.

Upon completion of construction, a Certified Practising Engineer to the satisfaction of the principal certifying authority shall certify the work. The Principal Certifying Authority shall ensure that a practising certified engineer upon completion of the works duly certifies the construction works.

Reason:- to ensure that the structural stability of the underground tank structure is adequate.

12. **Driveway surface to match existing footpath level**

The driveway within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath / nature strip at the property boundary and that joints are smooth and no part of the concrete protrudes out.

Reason:- to provide suitable vehicle access and smooth junction.

13. **Basement carpark and subsurface drainage**

The basement stormwater pump-out system, must be designed and constructed to include the following:-

- A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - The permissible site discharge (PSD) rate; or
  - The rate of inflow for the one hour, 5 year ARI storm event.
- An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- A 100 mm freeboard to all parking spaces.
- Submission of full hydraulic details and pump manufacturers specifications.
- Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
- Plans and design calculations along with certification from the designer

indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason:- to ensure satisfactory storm water disposal.

14. **Collect and discharge of dirty water from car wash bay**

All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason:- to ensure satisfactory storm water disposal.

15. **Underground electricity supply for townhouses and above**

Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

Reason:- to enable future upgrading of electricity services.

16. **Construction of a standard vehicular crossing**

A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason:- to ensure appropriate vehicular access is provided.

17. **Exhaust fumes**

All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 - 'The use of ventilation and air conditioning in buildings' - 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason:- to preserve community health and ensure compliance with acceptable



standards.

18. **Security roller shutters for basement car parking**

Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason:- to ensure visitor car parking is accessible.

19. **Impact on Existing Utility Installations**

Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason:- to ensure no unauthorised work to public utility installations and to minimise costs to Council.

20. **Support for Council Roads, footpath, drainage reserves**

Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. The details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason:- to protect Council's infrastructure.

21. **Driveway Grades**

The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) - "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

Reason:- to provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

22. **Planter Box Details**

Construction details showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with an application for a Construction Certificate.

Reason:- to ensure the creation of functional gardens.

23. **Home Warranty Insurance for RFB \$20,000 over**

Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason:- to comply with the Home Building Act 1989.

24. **Long Service Levy payment for Constr. over \$25,000**

The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason:- to ensure that the levy is paid.

25. **Building work in compliance with BCA**

All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason:- to comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

26. **No external service ducts for multi-unit develop**

Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason:- to ensure the quality built form of the development.

27. **Single master TV antenna**

A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason:- to protect the visual amenity of the area.

28. **Reflectivity of external finishes**

External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

Reason:- to have a minimal impact on the neighbouring property.

29. **S94A Contribution - Outside the City Centre**

A monetary contribution comprising a percentage 1% of the total cost of the development is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 3). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate and is to be in accordance with the following:

A cost report indicating the itemized cost of the development shall be completed and submitted to Council's Chief Executive Officer prior to the issue of a construction certificate.

- Where the total development cost is less than \$750,000, "Parramatta City Council Cost Summary Report" or.
- Where the total development cost is \$750,000 or more, "Parramatta City Council Registered Quantity Surveyors Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Parramatta City Council Offices or Council's web site, [http://www.parracity.nsw.gov.au/development/policies and regulations/Section 94 plans](http://www.parracity.nsw.gov.au/development/policies_and_regulations/Section_94_plans).

Should the cost summary report be submitted in advance of payment, the levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Evidence must be provided that the levy has been paid to Council in accordance with the condition or that the cost of works is less than the applicable threshold.

Advisory note

The cost of the development is to be determined in accordance with Section 25J of the Environmental Planning and Assessment Regulation 2000.

The cost of the development shall be determined by calculating the cost of the entire development minus the cost of providing affordable housing component of the development. In this regard, the cost of providing 10 dwellings (being the affordable housing component) shall be deducted from the calculated cost of the development. An itemized cost of the affordable housing component compared to the remainder of the development is to be submitted to Council's satisfaction before the payment of the Section 94A cash contribution.

The applicable thresholds are listed in Section 25K of the Environmental Planning and Assessment Regulation 2000 and Part 3.7 of the Parramatta Section 94A Development Contributions Plan (Amendment No 3)

Reason:- to comply with Parramatta Section 94A Development Contributions Plan Amendment Number 3.

30. **SEPP 65 verification**

Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason:- to comply with the requirements of SEPP 65.

31. **Environmental Enforcement Service Charge**

An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be

contacted on 9806 5524.

Reason:- to comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

**32. Infrastructure & Restoration Administration fee**

An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason:- to comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

**33. Noise Management Plan - Demolition, excavation and Construction**

A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive areas.
- The course of action that will be taken following receipt of a complaint concerning site noise, dust and vibration.
- Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason:- to maintain appropriate amenity to nearby occupants.

**34. Security Bonds (multi-unit and above)**

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/742/2015;
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Nature Strip and Roadway - 2 street frontage.	\$40,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason:- to safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

35. **Adaptable Dwellings for Multi-unit and RFB's**

The development must incorporate 3 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason:- to ensure the required adaptable dwellings are appropriate designed.

36. **Prior to Work Commencing**

**Construction and Traffic Management Plan**

Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the egress frontage roadways,
- Location of any proposed crane standing areas,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
- A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

(b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

(c) Traffic Control Plan(s) for the site:

- All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to

- be identified and specific traffic control measures identified for each,
- Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

(d) Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason:- to ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

37. **Road Opening Permits - DA's involving drainage work**

The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason:- to protect Council's assets throughout the development process.

38. **Dilapidation survey and report for private properties**

Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.



In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason:- to ensure appropriate management of records.

39. **Geotechnical report**

Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- The impact on groundwater levels in relation to the basement structure.
- The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order to verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

- I. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- II. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- III. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- IV. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- V. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason:- to ensure the ongoing safety and protection of property.

40. **Reinforced concrete pipe work within public domain**

Details of the proposed 375mm diameter reinforced concrete pipe-work within the public domain along the kerb and gutter on Marian Street shall be submitted to Council's civil infrastructure unit for approval. The details shall include the following requirements:-

a) **New kerb inlet pit in front of the subject property on Marian Street**

A new kerb inlet pit shall be constructed in front of the subject site on Marian Street to connect the site stormwater pipe into the pit. The detail drawings of the

new kerb inlet pit shall be in accordance with Council Standard DS28 (Sheet 1).

**b) The details of connection into the existing downstream kerb inlet pit**

The connection to the existing downstream kerb inlet pit shall be made in accordance with Council Standard DS28 (Sheet 2) for connection purposes only.

**c) 375 mm diameter RCC pipeline**

The conveyance of site stormwater through the proposed new kerb inlet pit to existing downstream pit shall be via 375 mm diameter Class 4 reinforced concrete pipe. The details of the pipeline shall be in accordance with Council standard plan number DS27.

**d) The longitudinal section profile**

The longitudinal profile of the drainage pipeline should include ground / surface levels, invert levels, pipe material and type / class, size, gradient for each segments, the location of any services with their details such as invert level, obvert level, size etc.

The drawings including the construction details shall be submitted to the satisfaction of Council's Civil Infrastructure Unit for approval. No pipework shall commence until the approval is obtained.

Upon completion of the work, a separate work as executed plan shall be prepared on the approved stormwater plan and submitted to Council for record and sign off.

Reason:- to ensure that the stormwater work complies with Council requirements.

**41. Erosion and Sediment Control measures**

Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason:- to ensure soil and water management controls are in place before site works commence.

**42. Site Maintenance**

Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism.
- all site boundaries are to be secured and maintained to prevent unauthorised

access to the site;

- all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- the site is to be maintained clear of weeds; and
- all grassed areas are to be mowed on a monthly basis.

Reason:- to ensure public safety and maintenance of the amenity of the surrounding environment.

43. **Shoring and adequacy of adjoining property**

If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

Protect and support the adjoining premises from possible damage from the excavation

Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason:- as prescribed under the Environmental Planning and Assessment Regulation 2000.

44. **Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.

- Storage of building materials and building waste containers (skips) on Council's property.
- Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas,

reserves and parks is prohibited.

- Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

Reason:- to ensure proper management of public land.

45. **Driveway Crossing Application**

All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason:- to provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

46. **Existing damage to public infrastructure**

Prior to commencement of any works including demolition and excavation, the applicant is to submit to the Council, documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets including photographs and written record must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works.

Failure to identify any damage to Council assets will render the applicant liable for the costs associated with any necessary repairs.

Reason:- to ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of the development.

47. **Appointment of PCA**

Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and

Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason:- to comply with legislative requirements.

48. **Enclosure of the site**

The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason:- to ensure public safety.

49. **Site Sign**

A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:-

- Unauthorised entry of the work site is prohibited;
- The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- The name, address and telephone number of the Principal Certifying Authority;
- The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason:- to ensure the statutory requirements are complied with.

50. **Public liability insurance**

Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- a) Above;
- b) Below; or
- c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason:- to ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

51. **Noise Management Plan - Construction Sites**

A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- a) Identify sensitive location near the site;
- b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- d) Selection criteria for plant and equipment;
- e) Community consultation;
- f) Details of work schedules for all construction phases;
- g) Selection of traffic routes to minimise residential noise intrusion;
- h) Schedule of plant and equipment use and maintenance programs;
- i) Noise monitoring techniques and method of reporting results;
- j) The methodology to be employed for handling and investigating any complaints should they arise;

- k) Site induction details for employees and contractors; and
- l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason:- to maintain appropriate amenity to nearby occupants.

52. **Footings and walls near boundaries**

Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason:- to ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

53. **During work**

**Erosion & sediment control measures**

Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason:- to ensure no adverse impacts on neighbouring properties.

54. **Grated drain at the base of the ramp**

A 300mm wide grated channel / trench drain with a heavy duty removable galvanised steel grate shall be provided to the full driveway width of ramp at the base of the basement access ramp to collect driveway runoff. The grated channel drain shall be connected to the basement pump out tank and shall have an outlet of minimum diameter 150 mm to prevent blockage by silt and debris.

Reason:- to control stormwater and runoff.

55. **Damage to public infrastructure**

Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason:- to protect public safety.

56. **Construction of a concrete footpath**

A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works



shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason:- to provide pedestrian passage.

57. **Construction of a standard kerb ramp**

A Standard Kerb Ramp is to be constructed at the intersection of Mountford Avenue and Marian Street in accordance with Council Plan No. DS4. Details must be submitted to and be approved by Council prior to construction. All costs must be borne by the applicant.

Reason:- to provide adequate access.

58. **Car parking & driveways**

Car parking area and internal access ways must be constructed, marked and signposted in accordance with AS2890.1 - 2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason:- to ensure appropriate car parking.

59. **Vehicle egress signs**

Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason:- to ensure pedestrian safety.

60. **Nomination of Engineering Works Supervisor**

During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

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

61. **RCC pipe and KI pit works within public domain**

The proposed outlet pipe connection from the subject site into the existing stormwater pipe system (existing downstream kerb inlet pit) shall comply with the following requirements:

- a) New kerb inlet pit and connection

A new kerb inlet pit shall be constructed and the connection into the pit shall be carried out in accordance with Council Standard Plan No DS28 (Sheet 1). *(Please contact the Council's Civil Infrastructure Unit for requirement details on kerb inlet pit type, connection requirements and the relevant standard plan number / drawing).*

- a) Construction of 375 mm diameter Class 4 RCC pipeline from new kerb inlet pit up to the existing downstream kerb inlet pit.
- b) Connection into the existing downstream kerb inlet pit in accordance with Council's Standard Plan DS29 (Sheet 2) (For connection purposes only).
- c) Request for inspection by Council's Civil Infrastructure Unit of works during progression.
- d) Remediation of site upon completion of work to the satisfaction of Council's Civil Infrastructure Unit.

Prior approval for the drawings shall be obtained from Council's Civil Infrastructure Unit. No pipe / pit work shall commence until the approval is obtained. During the progress of work booking for staged / progress inspection by Council's Civil Infrastructure Unit shall be made.

Upon completion of the work, the construction and connection work shall be certified by a qualified engineer. A separate work as executed plan shall be prepared on the approved stormwater plan and submitted together with the engineers certificates to Council separately.

Reason:- to ensure that the stormwater work complies with the requirements of the relevant authority.

**62. No removal of trees on public property**

No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

Reason:- Protection of existing environmental infrastructure and community assets.

**63. Weed removal**

All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.

Reason:- to ensure the compliance with the Noxious Weeds Act 1993.

**64. Planting Requirements**

All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

Reason:- to ensure appropriate landscaping.

65. **Advanced tree planting**

All trees supplied above a 25L container size must be grown and planted in accordance with:

Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.

- Natspec Guide No.2.
- Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

Reason:- to minimise plant failure rate and ensure quality of stock utilised.

66. **Tree Removal**

Trees to be removed are:

Tree No.	Species	Common Name	Location
1	Cinnomomum Camphora	Camphor Laurel	Various through site.
2	Quercus Robur	English Oak	Eastern boundary.
3	Phoewnix Canariensis	Phoenix Palm	Rear setback.

Reason:- to facilitate the development.

67. **Trees with adequate root volume**

All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

Reason:- to ensure the trees planted within the site are able to reach their required potential.

68. **Tree removal**

All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tre Work Code of Practise 2007.

Reason:- to ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

69. **Copy of development consent**

A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the

approval and the associated conditions of consent.

Reason:- to ensure compliance with this consent.

70. **Dust Control**

Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason:- to protect the amenity of the area.

71. **Materials on footpath**

No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason:- to ensure pedestrian access.

72. **No work on public open space**

The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

Reason:- for the protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

73. **Hours of work and noise**

All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Reason:- to protect the amenity of the area.

74. **Complaints register**

The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- a) The date and time of the complaint;
- b) The means by which the complaint was made;
- c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- d) Nature of the complaints;
- e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.
- g) The complaints register must be made available to Council and/or the principal certifying authority upon request.

Reason:- to allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

75. **Noise**

Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason:- to protect the amenity of the area.

76. **Importation of clean fill**

Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason:- to ensure the site does not become contaminated and appropriate compaction levels can be achieved.

77. **Survey report**

A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

Reason:- to ensure the development is being built as per the approved plans.

78. **Prior to the issue of the Occupation Certificate**

**Restriction of to use covenant**

A restriction on the use of land under Section 88E of the Conveyancing Act 1919 is to be registered against the title of the property and each relevant individual strata allotment burdening the owner with the requirement to ensure that the use of units G1, G4, G5, G7, 1.01 and 2.01 as shown on the approved plans is limited to affordable rental housing managed through a community housing provider as defined in the Housing Act 2001 for a period of 10 years from the date of the earliest of any Occupation Certificate. The restriction is to be made prior to the release of any Occupation Certificate.

Reason:- to ensure that affordable rental housing is provided as defined in the consent.

79. **Dedication and protection of affordable housing units**

Council must be notified on the day that an Occupation Certificate is issued identifying the affordable housing component of the development and indicating that the dwelling units must be used for affordable rental housing and managed by a registered CHP for a period of 10 years.

This is considered as being the day that the affordable housing 10 year dedication period commences.

Reason:- to ensure affordable rental housing is provided.

80. **Reinstatement of laybacks**

All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason:- to provide satisfactory drainage.

81. **Construction of a concrete footpath**

Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason:- to provide pedestrian passage.

82. **Construction of a standard kerb ramp**

Proof of completion of the Kerb Ramp must be submitted to the satisfaction of the Council prior to the issue of an Occupation Certificate.

Reason:- to provide adequate access.

83. **Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

Reason:- to ensure the requirements of Sydney Water have been complied with.

84. **Lot consolidation**

All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason:- to comply with the Conveyancing Act 1919.

85. **Work-as-Executed Plan**

The Work-As-Executed plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted.

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- b) The Work as Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form using the pyramid volume and prismatic volume calculation method.
- d) OSD Works-As-Executed survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- e) Certificate of hydraulic compliance (Form B11) from a qualified drainage / hydraulic engineer (Refer to UPRCT Handbook). The person issuing the hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f) Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing hydraulic engineer.
- g) Structural Engineers Certificate for the OSD tank structure, basement pump

out tank structure, OSD basin (retaining wall) etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate and another set of the documents shall be submitted to Council.

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

**86. OSD Positive Covenant/Restriction**

Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to occupation or use.

Reason:- to ensure maintenance of on-site detention facilities.

**87. Positive covenant for water quality improvement**

Prior to the issue of the Occupation Certificate, the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919 burdening the owner with the requirement to maintain the water quality improvement devices and facilities installed on the lot. The positive covenant shall be created only upon completion of the system and certification by a qualified practising engineer to the satisfaction of the Principal Certifying Authority.

Note:- *The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Office of New South Wales. Documents relating to proof or completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the Council together with the positive covenant and restriction.*

Reason:- to ensure maintenance of the on site detention facilities.

**88. Street Numbering**



An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason:- to ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

89. **Driveway Crossover**

Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason:- to provide for pedestrian and Vehicle safety.

90. **Post construction dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. The report is to ascertain whether the construction works created any structural damage to the adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:-

- a) Compare the post construction dilapidation / damage report with the pre construction dilapidation / damage report and.
- b) Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) Carry out site inspections to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his / her cost.
- d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

Reason:- to establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

91. **Certifying Authority to arrange Qualified Landscape Architect**

A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason:- to ensure restoration of environmental amenity.

92. **Occupation Certificate**

Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

93. **Schedule of street numbering**

Prior to the issue of an Occupation Certificate the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

Reason:- to ensure developments are appropriately numbered.

94. **Street Number when site readily visible location**

A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason:- to ensure a visible house number is provided.

95. **BASIX Compliance**

Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in

the BASIX Certificate No. X, will be complied with prior to occupation.

Reason:- to comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

96. **Telecommunications services**

The developer must submit to the Principal Certifying Authority a letter from the telecommunications company confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Occupation Certificate.

Reason:- to ensure provision of appropriately located telecommunication facilities.

97. **Provision of Endeavour Energy services**

Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

Reason:- to ensure appropriate electricity services are provided.

98. **Creation of restrictions / positive covenants**

The consent holder must submit to Council for endorsement, a Request Document and Plan (if applicable), together with payment of the relevant fee (as outlined in Council's adopted schedule of fees and charges) for the creation of a Positive Covenant and/or Restriction-As-to-User, in accordance with Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:-

- People 55 or over or people who have a disability (as defined - SEPP Housing for Seniors or People with a Disability - 2004);
- People who live with people 55 or over or people who have a disability;
- Staff employed to assist in the administration of and provision of services to housing provided in this development.

Note: All Restrictions and Positive Covenants created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of Parramatta City Council.

Reason:- to ensure that the development meets the provisions of the SEPP - Housing for Seniors of People with Disability 2004.

99. **The Release of Bonds**

A written application to Council's Civil Assets Team for the release of a bond must quote the following:-

- Council's Development Application number; and

- Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason:- to safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

100. **SEPP 65 verification statement OC stage**

Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of 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.

Note:- Qualified designer in this condition is as per the definition in SEPP 65.

Reason:- to comply with the requirements of SEPP 65.

101. **Adaptable dwellings**

Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Reason:- to ensure the requirements of DCP 2011 have been met.

102. **Post Construction Private Property Dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report and a copy of this report is to be forwarded to Council.

Reason:- to establish any damage caused as a result of the building works.

103. **The use of the site**

**Landscape maintenance**

All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

Reason:- to ensure restoration of environmental amenity.

104. **External Plant/Air-conditioning noise levels**

Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason:- to minimise noise impact of mechanical equipment.

105. **Graffiti Management**

The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason:- to ensure the removal of graffiti.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr B. Kirk, Mr S. McDonald and Mr M. Byrne.

Against: Nil.

**ITEM C008/19 – WENTWORTHVILLE CENTRE PLANNING AND PLACE MAKING STRATEGY EXHIBITION SUBMISSIONS AND PLANNING PROPOSAL REQUEST**

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

1. Receive and note the report and the review of the submissions made as part of the community consultation.
2. Recommend that the Wentworthville Planning and Place Making Strategy be amended as follows:
  - a) The Strategy's bike path diagram to be amended to indicate existing Lytton Street Park bike path.
  - b) To amend building heights and setbacks for B2 local centre zoned land on Pritchard Street East and Station Street adjacent to R2 low density residential under both built form options to:

- Increase the rear setback for properties on Pritchard Street East (southern side) to 8m.
  - Reduce the front setback for properties on Pritchard Street East (southern side) to 6m.
  - Reduce the maximum height of buildings for all B2 zoned land on Pritchard Street East and Station Street, adjacent to the R2 zone to 6 storeys at the street and 4 storeys at the rear.
- c) That the proposed building height and FSR for 79-81 Dunmore Street under built form Option Two be amended as follows:
- A building height of 12/13 storeys on the Cumberland Highway/Dunmore Street corner of the site lowering to 5 storeys on the western setback in order to provide a built form transition.
  - An FSR of 4:1.
  - That the floorspace bonus for shared value uplift is applicable to 79-81 Dunmore Street.
  - That the commercial floorspace bonus is applicable to 79-81 Dunmore Street.
3. Recommend the preparation of a planning proposal, consistent with the Wentworthville Planning and Place Making Strategy (as amended) for gateway submission and community consultation, excluding 108 Station Street and 42-44 Dunmore Street.
  4. Recommend based on community feedback, feasibility and infrastructure funding, that built form Option Two form the basis of the planning proposal - maintaining a predominant mid-rise height across the Centre with strategically placed towers of 12-18 storeys in height.
  5. Recommend that in addition to the FSR bonuses detailed in the Strategy, where design excellence is achieved on sites permitted to a height of 17/18 storeys, an additional FSR of 0.5:1 is available.
  6. Recommend that land forming The Kingsway Carpark, Dunmore Street and Garfield Street Carpark and the Library, Community Centre and Redgum Centre be considered for reclassification from 'community' to 'operational' consistent with the Strategy.
  7. Recommend an updated Section 94 Contributions plan be prepared that is consistent with the Strategy.
  8. Recommend a revised Development Control Plan be prepared that is consistent with the Strategy.
  9. Recommend provisions for green walls and landscaping on structures to be implemented through the revised Development Control Plan for the Centre.
  10. Recommend provisions for safety by design, in accordance with the recommendations of the safety audit to be implemented through the revised Development Control Plan for the Centre.

11. Recommend that a value sharing policy, applicable to sites that have incentives to achieve heights greater than 8 storeys, be prepared in conjunction with the updated Section 94 Contributions Plan.
12. Recommend that this matter is progressed to be considered by Council, seeking a resolution for the adoption of the recommendations.
13. Recommend that the Council liaise with City of Parramatta over the Planning Proposal.
14. Recommend that the Council develop a Design Excellence Policy to compliment the Strategy.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr B. Kirk, Mr S. McDonald and Mr M. Byrne.

Against: Nil.

The meeting terminated at 2:41 p.m.

Signed:

  
Chairperson