

**Minutes of the Cumberland Independent Hearing and Assessment Panel held at Merrylands Administration Building, 16 Memorial Ave, Merrylands on Wednesday, 10 August 2016.**

**PRESENT:**

The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

**IN ATTENDANCE:**

Heidi Bischof, Adan Davies, Sohail Faridy, Karen Hughes, Michael Lawani, Ashleigh Matta, Aleks Milinkovic, Karl Okorn, Andrew Robinson, Michael Rogers and Michael Wearne.

The meeting here opened at 11:44 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. Gino Racanelli	C009/16 - 39 Clyde Street, Guildford.
Mr. Elias Kaliffe	C009/16 - 39 Clyde Street, Guildford.
Ms. Susan Goldie	C014/16 – Planning Proposal for 11-19 Centenary Road, Merrylands (St Vincent de Paul Site) - Post Exhibition Report.

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel on a matter listed on the Business Paper.

Mr. G. Racanelli and Mr. E. Kaliffe each in turn, addressed the Panel on Item C009/16 - 39 Clyde Street, Guildford.

Mr. M. El Dardiry addressed the Panel on Item C010/16 - 16 Frances Street, Lidcombe.

Mr. C. Wilson addressed the Panel on Item C013/19 – Planning Proposal for 23-27 Lytton Street Wentworthville (Northside West Clinic Site) – Post Exhibition Report.

Ms. S. Goldie and Ms. W. Tran each in turn, addressed the Panel on Item C014/16 – Planning Proposal for 11-19 Centenary Road, Merrylands (St Vincent de Paul Site) - Post Exhibition Report.

Mr. M. Bolduan addressed the Panel on Item C015/16 – Planning Proposal Request for 37-39 Pavesi Street, Smithfield.

The public part of the Cumberland Independent Hearing and Assessment Panel meeting closed at 12.25 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 C009/16 - 39 CLYDE STREET, GUILDFORD**

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel that Development Application No. 2016/10 for alterations and additions including a first floor addition to an existing dwelling house and its use as a 9 room boarding house under Affordable Rental Housing SEPP 2009 on land at 39 Clyde Street Guildford be approved subject to the following condition set:

#### **PRELIMINARY**

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent. Any person entitled to act on the consent may apply to Council at least 30 days before this three year period expires, for an extension of one year (in accordance with Section 95A of the Environmental Planning & Assessment Act 1979), provided that good cause is shown. Note: Failure to lodge an application for extension of consent will mean the consent lapses and a fresh application will be required that will be assessed in accordance with current controls.
  2. Development shall take place in accordance with the attached endorsed plans:
    - Architectural plans prepared by Enhance Group Project Pty Ltd, Job No. 1513, Drawing no. DA050, DA060, DA100, DA101, Issue C, dated 22/04/2016, DA200, DA300 and DA301, Issue B dated 29/03/2016;
    - Stormwater Concept Plan prepared by Enhance Group Project Pty Ltd, Job No. 1513, Drawing no. DA600, Issue A, dated 11/07/2016;
    - Waste Management Plan dated 10/01/2016;
    - BASIX Certificate No. A239220\_03 dated 22 April 2016;
    - Plan of Management prepared by DB Consulting dated 21 June 2016.
    - a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
- 2A The approve plans listed in Condition 2 are to be amended as follows:
- i. The ensuite for bedroom 9 be moved from the eastern wall to the western wall adjacent to the stairs and the window towards Clyde Street be amended to have a sill height of 1.2m and clear glazing.
  - ii. The bathroom adjacent to the communal open space on the first floor be deleted. The western window facing towards the rear boundary is to be increase in size to match the window in bedroom 8, with a sill height of 1.2m and clear glazing and is to be fitted with a fix louvre external screen over the window to prevent downward viewing.
  - iii. The window to bedroom 8 is to be amended to have a sill height of 1.2m and clear glazing and is to be fitted with a fix louvre external screen over the window to prevent downward viewing.

Amended Plans are to be submitted to the PCA prior to the issue of the Construction Certificate.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

**Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)**

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) A local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

**Demolition**

7. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
8. Permission is granted for the part demolition as indicated on the plans, subject to strict compliance with the following:-
  - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. Note:

Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
- b) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- c) On the first day of demolition, work is not to commence until Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840 9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within five (5) days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.

- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Council within seven (7) days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

**NOTE:** The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within fourteen (14) days of completion of demolition, the applicant shall submit to Council:
  - i) An asbestos clearance certificate prepared by a NATA accredited occupational hygienist; and
  - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2013 Part A, Section 11.0. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials.

Note: To find a list of NATA accredited facilities visit the NATA website at [www.nata.asn.au](http://www.nata.asn.au) and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

- 9. Payment of \$433.60 fee for inspection by Council of the demolition site prior to commencement of any demolition works.

#### **BASIX (Building Sustainability Index)**

- 10. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

#### **Subdivision**

- 11. Any form of subdivision of the boarding house is not permitted.

#### **PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE**

The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or

incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

#### **Payment of Bonds, Fees and Long Service Levy**

12. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

#### **Section 94 Contribution**

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2014, for 9 boarding rooms is to be paid to Council. At the time of this development consent, the current rate of the contribution is \$17,795. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au) or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

#### **Damage Deposit**

14. A cash bond/bank guarantee of **\$1,643.20** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property (such as road pavement, kerb and guttering, footway, stormwater drainage etc), unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

#### **Consistency with Endorsed Development Consent Plans**

15. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

### **Sydney Water**

16. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any Sydney Water wastewater and water mains, stormwater drains and/or easement.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

### **Road Works**

17. If demolition/construction activity will impact on traffic flow or pedestrian access or any road and drainage works are proposed to be carried out in the public road reserves, a Traffic Management Plan shall be lodged and seek approval with Council, in strict compliance with the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). If required to be prepared (to be determined by the Principal Certifying Authority), a copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

### **Required Submissions to Certifying Authority**

18. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
19. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
20. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
21. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

### **Sight Distance**

22. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

### **Salinity**

23. The subject site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings. Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- “Building in Saline Environment” prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
- Wagga Wagga City Council’s “Urban Salinity Action” October 1999
- “Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005

### **Construction Management Plan**

24. A Construction Management Plan (CMP) prepared by a suitable qualified consultant shall be prepared to address issues such as traffic control, noise, dust, etc., during construction. All measures works/methods/procedures/control measures/recommendations made within the Construction Management Plan shall be implemented accordingly.

### **PRIOR TO WORKS COMMENCING**

The following conditions are to be complied with prior to any works commencing on the site:

#### **Appointment of Principal Certifying Authority and Notification of Commencement of Work**

25. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
  - b) Have the Principal Certifying Authority complete the ‘Accredited Certifier Details’ on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
  - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

*If nominated, Council can provide this service for you and act as the Principal Certifying Authority.*



N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

#### **Notification of Principal Contractor (Builder)/Owner-Builder**

26. The person having the benefit of the Development Consent must:-

(a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

(b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.

(c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

#### **Required Submissions to Certifying Authority**

27. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:

- a) job address and builder's name
- b) design wind velocity
- c) terrain category
- d) truss spacing
- e) roof pitch
- f) material of roof
- g) roof batten/purlin spacing
- h) material of ceiling
- i) job number

28. A certificate shall be submitted to the Principal Certifying Authority in accordance with the requirements of Part 3.11, Clause 3.11.2 and Clause 3.11.3 of the Building Code of Australia, by a qualified practising structural engineer certifying the adequacy of the existing dwelling as being capable of supporting the proposed live and dead loads.

#### **Photographic Record of Council Property – Damage Deposit**

29. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full

and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

### **Fencing of Sites**

30. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

### **Signs to be Erected on Sites**

31. A 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 at any time for business purposes, and
  - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

### **Prohibited Signage**

32. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

#### **Protection of Public Places**

33. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

#### **Site Control Measures**

34. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Council's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

#### **Footpaving, Kerbing and Guttering**

35. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
36. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

#### **Support for Neighbouring Buildings**

37. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
- a) must preserve and protect the building from damage, and
  - b) if necessary, must underpin and support the building in an approved manner, and
  - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment

of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

### **Toilet Facilities**

38. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected:
  - i) To a public sewer,
  - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
  - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

### **Residential Building Work - Insurance**

39. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Council) has given Council written notice of the following information:-

- (a) in the case of work for which a Principal Contractor is required to be appointed:
  - (i) the name and licence number of the Principal Contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Council) has given Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

### **Road Works**

40. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a \$159.20 fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
41. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

#### **Works Within Council's Reserve**

42. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
43. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
44. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Council shall be named on the Certificate of Currency as an interested party.

#### **Notification to Relevant Public Authority**

45. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

#### **DURING CONSTRUCTION**

The following conditions are applicable during construction:-

##### **Endorsed Plans & Specifications**

46. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

##### **Hours of Work & Display of Council Supplied Sign**

47. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.

The yellow “Hours of Building Work” sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

### **Site Control**

48. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works and are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
49. Builder’s refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
50. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

### **Asbestos Cement Sheeting**

51. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
  - (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

  - (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover’s “Your Guide to Working with Asbestos” (copy attached).

- ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).

Note: The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9995 5000 or Council’s Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at [www.nata.asn.au](http://www.nata.asn.au) and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

### **Waste Management**

- 52. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 53. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.  
*In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.*

### **Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

- 54. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

### **Construction**

- 55. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

#### **Landscaping/Site Works**

56. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
57. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

#### **Roadworks and Footpaving**

58. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
59. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

#### **Vehicle Cleansing**

60. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

#### **Importation of Fill**

61. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

#### **Additional Information during Demolition/Construction**

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

#### **Driveways**



63. All new driveways shall be located at least 1.0 metre away from the side boundaries with the area between the driveway and the boundary suitably landscaped.

#### **Alarms**

64. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.

#### **Underground Cabling**

65. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

#### **Underground Power Connection**

66. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

#### **Salinity**

67. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

#### **Rainwater Tank**

68. The design of the rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. This tank must not exceed 2.4 metres in height above ground level, including any stand for the tank.

### **PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE**

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

#### **Plan of Management**

- 69A. The Plan of Management shall be vetted by a Lawyer (at the applicants expense), to ensure the document is consistent with the Boarding Houses Act. The final Plan of Management is required to be approved by Council's Social Planner, prior to the issue of any Occupation Certificate.

#### **Compliance Certificates/Documentary Evidence**

69. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.

70. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
71. Details of the registered community housing provider responsible for the management of the boarding house and the contract with the housing provider shall be submitted.
72. Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

73. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

#### **House/Street Number**

74. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website, [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au).

#### **General**

75. Council shall be notified of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.
76. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
77. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
78. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
79. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.

#### **Accommodation – Registration and Caretaker**

80. Prior to the issue of any Occupation Certificate, Council must be advised in writing of the business name, address, owner or company name, 24 hour contact details for

the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

#### **Health Database Registration**

81. The business is to be registered with Council prior to the issue of any Occupation Certificate.

#### **Air Conditioning**

82. At the completion of the installation of the mechanical ventilation system, the Principal Certifying Authority is to be provided with a certificate from the installer that includes:
- (a) inspection, testing and commissioning details,
  - (b) date of inspection testing and commissioning,
  - (c) the name and address of the individual who carried out the test,
  - (d) statement that the service has been designed, installed and is capable of operating to the above standard.

#### **Restrictive covenant**

83. A restrictive covenant is to be registered on the title of the development restricting any alteration to its use as a boarding house.
84. A covenant is to be registered on title prior to an Occupation Certificate being issued or commencement of the building operating as a boarding house, whichever happens first. All costs of the preparation and registration of any associated documentation are to be borne by the applicant.

#### **CONDITIONS RELATING TO USE**

The following conditions are applicable to the use of the development:-

##### **Subdivision**

85. Any form of subdivision of the boarding house is not permitted.

##### **Boarding House Use**

86. The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005, under the Local Government Act 1993 as well as the Public Health Act 2010, the Boarding Houses Act 2012 and regulations thereunder.
87. The accommodation of the building must be used as a boarding house as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009 and not for the purposes of permanent residential accommodation or hotel, motel, serviced apartments, private hotel, tourist accommodation or the like.

88. Any alteration to the boarding house will require a Development Application or Section 96 Modification Application be lodged with and approved by Council.
89. The owner and/or their representative such as a building manager or agent are not permitted to advertise or organise for short term or share accommodation in the building.
90. The lodgers must be subject to an occupancy agreement for a term of at least three (3) months.
91. The rent charged shall not exceed the maximum tariff for boarding houses or lodging houses as determined by the Office of State Revenue NSW Boarding House land tax exempting rules.
92. The boarding house shall be operated in accordance with the approved Plan of Management and house rules at all times. Any variation to the Plan of Management may only be made with the written consent of Council.
93. A maximum 9 residents shall occupy the boarding house at any one time; with a maximum of 1 resident per room.

#### **Access and Car Parking**

94. The car parking spaces, driveways and manoeuvring areas are to be used for resident vehicles only and not for the storage of materials, furniture or goods.
95. At least 2 car parking spaces, 2 motorbike spaces and 2 bicycle spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for resident vehicles in conjunction with the occupation of the building.

#### **Alarms**

96. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997. (Note: Condition 64 above, prevents the developer/builder from installing audible alarms).

#### **General**

97. House/Street and Unit Identification numbers are to be clearly displayed.

#### **Emergency Procedures**

98. Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises at the main entrances and in the communal recreation room for both public and staff information at all times to the satisfaction of Council, prior to commencement of the use.

#### **Fire Safety**

99. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

#### **Air Pollution**

100. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
101. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

#### **Waste Storage**

102. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.
103. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

#### **Noise**

104. The operation of all plant and equipment shall not give rise to an equivalent continuous ( $LA_{eq}$ ) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background  $LA_{90}$  level (in the absence of the noise under consideration).
105. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
106. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

#### **Visual Privacy**

107. Visual privacy mechanisms adopted shall be maintained in their as constructed condition for the life of the development.

#### **Safety**

108. Landscaping shall be maintained at all times to permit surveillance.
109. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

#### **Rainwater Tank**

110. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.
111. The design of the rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. This tank must not exceed 2.4 metres in height above ground level, including any stand for the tank.

#### **Subdivision**

112. Any form of subdivision of the boarding house is not permitted.

### **ADVISORY NOTES**

#### **Other Necessary Approvals**

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
  - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Local Environmental Plan 2013, Part 3 "*Exempt and Complying Development*".
  - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
  - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

NOTE: \* If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- D. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. DEMOLITION

- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
- (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Council has a Tree Management Order which applies to the entire Council. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Council.
- (g) There shall be no burning of any waste, as this is prohibited within the Council.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.

- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

#### H. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

#### I. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 *Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

#### J. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 *Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

#### K. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 *Waterproofing of wet areas within residential buildings*.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND



2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

L. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1.50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

M. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers' specifications for the sarking is to be submitted to Council prior to its installation.

N. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council's adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

O. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM C010/16 - 16 FRANCES STREET, LIDCOMBE**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel is of the opinion that the matter not be deferred and that Development Application No. DA-438/2015 for Demolition of an existing dwelling and construction of a new two storey attached dual occupancy with basement parking on land at 16 Frances Street, Lidcombe be refused for the following reasons:

1. Unsatisfactory and unsafe vehicle parking and manoeuvring on site that would result in an inability to access and egress the site in a forward direction.
2. Unresolved stormwater management on site.

3. Privacy issues in relation to the adjacent properties on both side boundaries, exacerbated by inadequate landscaping.
4. Excessive amount of paving and masonry forward of the front building line is unacceptable in this streetscape.
5. The site is not suitable for the proposed dual occupancy development.
6. Approval of the application would be contrary to the public interest.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

### ITEM C011/16 - 8-10 CLARENCE STREET, LIDCOMBE

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel:

- i That the variation to Clause 4.6 – Maximum FSR and Height of Auburn Local Environmental Plan 2010, is well founded and be supported.
- li That Development Application No. DA-276/2015 for Demolition of existing structures & construction of a part 5/part 6 storey residential flat building containing 2 x 1 bedroom, 16 x 2 bedroom and 2 x 3 bedroom units over 2 levels of semi-basement & basement car parking, landscaping, provision of site services and strata subdivision on land at 8-10 Clarence Street, Lidcombe be approved subject to the following conditions:

#### 1. Approved Plans

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
A 1.00 Basement Plan	MOMA Architecture	C	07.03.2016
A 1.01 Basement 1 Plan	MOMA Architecture	C	07.03.2016
A 1.02 Ground Floor Plan	MOMA Architecture	C	07.03.2016
A 1.03 Level 1 Plan	MOMA Architecture	C	07.03.2016
A 1.04 Level 2 Plan	MOMA Architecture	C	07.03.2016
A 1.05 Level 2 Plan	MOMA Architecture	C	07.03.2016
A 1.06 Level 3 Plan	MOMA Architecture	C	07.03.2016
A 1.20 Level 5 Plan	MOMA Architecture	C	07.03.2016
A 1.30 Roof Plan	MOMA Architecture	C	07.03.2016

A 2.00 East Elevation (CLARENCE ST)	MOMA Architecture	C	07.03.2016
A 2.01 North Elevation (MILTON ST)	MOMA Architecture	C	07.03.2016
A 2.02 West Elevation	MOMA Architecture	C	07.03.2016
A 2.03 South Elevation	MOMA Architecture	C	07.03.2016
A 3.00 Section 1 (East-West)	MOMA Architecture	C	07.03.2016
A 3.01 Section 2 (North-South)	MOMA Architecture	C	07.03.2016
A 3.02 Section 3 (North-South)	MOMA Architecture	C	07.03.2016
A 4.00 Schedule of Materials & Finishes	MOMA Architecture	C	07.03.2016
BASIX Certificate Number	Outsource Ideas P/l	–	03 August 2015
CC0.01 General Notes	Abc Consultants	B	21.01.16
CC01.01 Sediment Control Plan	Abc Consultants	B	21.01.16
C02.01 Basement 2 Drainage Plan	Abc Consultants	C	21.01.16
C04.01 Ground Stormwater Concept Plan	Abc Consultants	E	21.01.16
C04.11 Stormwater OSD Tank Details	Abc Consultants	C	21.01.16
C03.01 Basement 1 Drainage Plan	Abc Consultants	C	21.01.16
Report on the Project's Flood and Floodplain Development Matters	Bewsher Consulting Pty Ltd	–	23 July 2015
L01 Landscape Concept Plan	HLS Pty Limited	P4	May 2015
L02 Landscape Planting Plan	HLS Pty Limited	P1	May 2015
DA Acoustic Assessment Report No. 20150520.1/1105A/R0/JL	Acoustic Logic	0	11/05/2015
Remediation Action Plan Document No. ES6236/2	Aargus Pty Ltd	0	28/05/2015
Acid Sulphate Soils Management Plan	Aargus Pty Ltd	0	10 February 2016

except as otherwise provided by the conditions of this determination (Note:-

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

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

2. **Time period of consent**

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

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

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

2A. **Redesign and Amendments to Plans on Condition 1 above**

The approved plans listed in Condition 1 are to be amended as follows:

- i. Unit AG01 be redesigned to provide a larger kitchen in close proximity to a window
- ii. Units A103, 203, 303, 404 be redesigned to delete the media room as it has no access to natural light
- iii. All apartments within the development are to be amended to provide adequate storage within the apartment as required by the Apartment Design Guide.

Amended Plans are to be submitted to the PCA prior to the issue of the Construction Certificate.

3. **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.

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

A sum of **\$100,267.25** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

<b>Item</b>	<b>Amount</b>
Community Facilities	\$24,726.46
Public Domain	\$54,687.21
Accessibility and Traffic	\$15,073.75
Administration	\$5,779.83
<b>TOTAL</b>	<b>\$100,267.25</b>

Reason: to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

5. **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.

6. **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

7. **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

8. **Disabled access – communal open space**

Disabled access shall be provided directly from the ground floor lift lobby to the at-grade communal open space area on the southern side of the site. An area of hardstand and seating shall be provided adjacent to the disabled access.

Details demonstrating compliance shall be submitted to the Manager – Development Assessment, Cumberland Council – Auburn Branch for approval **prior to issue of the Construction Certificate**.

Reason:- To ensure equitable access is provided to communal areas for the use of residents and visitors in accordance with Auburn Development Control Plan 2010.

9. **Balcony balustrades**

All balcony balustrades shall contain opaque glazing. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate**.

Reason:- to comply with the requirements of the Apartment Design Guide and ADCP 2010 – Residential Flat Buildings.

10. **Opaque glazing – kitchen windows**

The hopper-style kitchen windows in the southern and western elevations shall contain obscure glazing to a minimum height of 1.6m as measured from the finished floor level.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate**.

Reason:- to protect the privacy of adjoining properties.

11. **Universal Design Features – Apartment Design**

A minimum of 20% of the total number of apartments shall incorporate the Liveable Housing Guideline's silver level universal design features. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of the relevant Construction Certificate.**

Reason:- to ensure suitably designed units form part of the development in accordance with the Apartment Design Guide under State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.

12. **Submission of Construction Certificate**

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

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

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

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

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

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

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

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

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-

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

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

15. **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.

16. **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.

**17. 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.

**18. 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.

**19. 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.

20. **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.

21. **Traffic Management**

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

Reason:- to minimise the impact on street traffic.

22. **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.

23. **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.

#### 24. **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.

#### 25. **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.

26. **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.

27. **Demolisher Details**

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
  - i) Written notice, indicating the date when demolition of the building is to commence.
  - ii) The demolisher's full name and address.
  - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*"; and,
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

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

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

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

The following shall be compiled with:-

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

of 10 minutes must not exceed the background noise level by more than 10dB(A).

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

29. **Asbestos**

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

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

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

Council does not control or regulate the Worksafe Code of Practice and

Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

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

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

30. **Services to be capped**

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

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

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

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

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

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

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

33. **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.

34. **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.

35. **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.

36. **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.

37. **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.

**38. 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.

**39. 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:**

- 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.
- 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.

**40. 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.

#### 41. **Sedimentation Control**

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

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

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

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

42. **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.

43. **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.

44. **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.

45. **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.

46. **Footpath area to be illuminated**

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

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

47. **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.

48. **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.

49. **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.

50. **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.

51. **Remediation and validation**

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

- a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consulting Reporting on Contaminated Sites*, and shall:
  - i) Describe and document all works performed;
  - ii) Include results of validation testing and monitoring;
  - iii) Include validation results of any fill imported on to the site;
  - iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
  - v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

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

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

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

52. **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.

53. **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.

54. **Ground floor access ramp intersection design**

**Prior to issue of any Construction Certificate** an amended plan addressing the following shall be submitted to and approved by Cumberland Council's Manager Development Assessment:

- a) A minimum 4.0m radius curve shall be provided at the ramp intersection near proposed garbage room at the ground floor.

Reason: to ensure two way ramp complies with Australian standard AS2890.1 requirements.

55. **Ground floor access ramp intersection design**

**Prior to issue of any Construction Certificate** amended stormwater plans addressing following shall be submitted to and approved by Cumberland Council's Manager Development Assessment:

- a) Minimum 2.2m headroom shall be provided along the access ramp. In this regard:
  - i) The supporting structure for the stormwater outlet within the basement shall be redesigned; and
  - ii) Section 1 detail shall be updated to reflect the changes in the stormwater plan.
- b) A minimum 900mm headroom clearance shall be provided within the OSD tank;
- c) Stormwater outlet from the site shall be a straight pipe and no bends are permitted;
- d) All access grates to the OSD basin shall be double (2/900x450) hinged



grates; and

- e) Stormwater outlet to street gutter shall be 100mm diameter UPVC pipe.

Reason:- to ensure stormwater structures do not interfere with the required headroom and to ensure the stormwater plan complies with Council's ADCP 2010.

56. **Hydraulic engineering design certificate**

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

- a) Construction Certificate plans comply with the approved Report on the project's Flood and Floodplain Development Matters prepared by Bewsher dated 23. 07. 2015; and
- b) The development has no adverse impact on flood levels and/or adjoining properties.

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

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

57. **Hydraulic engineering construction certificate**

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

- a) Development complies with the approved Report on the project's Flood and Floodplain Development Matters prepared by Bewsher dated 23. 07. 2015; and
- b) The development has no adverse impact on flood levels and/or adjoining properties.

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

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

58. **Flood Risk Management**

As the site is located within a floodplain, the subject development shall comply with Chapter 6 of Council's 'Auburn Development Control Plan 2010 – Stormwater Drainage'. In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls nominated in Table 5 Auburn Development Control Plan 2010 – Stormwater Drainage; and
- b) Details shall be submitted to and approved by the Principal Certifying Authority

**prior to the issue of any Construction Certificate.**

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

59. **Stormwater disposal**

All stormwater runoff generated from the proposed development, except the approved bypassing area, shall be directed to the On-Site Detention system prior to being discharged to the Clarence Street gutter.

Reason:- to prevent localised flooding.

60. **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,

- a) The proposed stormwater system shall be generally in accordance with the approved stormwater concept plans All access grates to the detention facility shall be double (2/900x450) hinged grates;
- b) Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m; and
- c) Stormwater runoff from the access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, a 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.

61. **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.

62. **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.

63. **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.

64. **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

65. **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

66. **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.

67. **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.

68. **Footpath Construction – Taylor Street**

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

- a) Detail footpath design shall be submitted and approved by Council's Works and Services section **prior to the issue of a Construction Certificate;**
- b) Street boundary levels obtained from Council shall be incorporated in the design;
- c) The details of construction requirements shall be requested from the Council prior to commencement of construction;
- d) Formwork inspection and footpath inspection shall be carried out by Council;
- e) 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;** and
- f) All associated cost shall be borne by the applicant.

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

69. **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.

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

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

- a) Whether all works have been completed generally with the approved drainage plans;
- b) Any departure from the approved plan and conditions;
- c) Any additional work that has been undertaken;
- d) Location, levels and sizes of pipes and pits;

- e) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan;
- f) Basement pump out volumes.

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

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the "Auburn Development Control Plan 2010 - 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.

71. **Flood Risk Evacuation Plan**

A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times.

Reason:- to ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site.

72. **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.

73. **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.

74. **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.

75. **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.

76. **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.

77. **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.

78. **Convex safety mirror**

Convex safety mirrors shall be provided in the basement at the entry ramp to improve the sight distance. In this regard:

- a) 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**; and

b) Convex safety mirrors shall be maintained in good condition.

Reason:- to improve the sight distance.

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

The headroom clearance within the basement shall comply with AS 2890.1 and 2890.6 requirements.

Detailed plans showing compliance with the above requirements shall be submitted and approved by the Principal 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 ADCP 2010.

80. **Ramp gradients**

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

A Copy of the approved plan shall be submitted to Cumberland Council's Manager Development Assessment.

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

81. **Headroom clearance along the ramp**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with the Standard a minimum 2.2m headroom clearance shall be provided. In this regard, a detail longitudinal section of ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

A copy of the approved plan shall be submitted to Cumberland Council's Manager – Development Assessment.

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

82. **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.

**83. Street Tree Planting**

The following street trees shall be planted by the applicant. Any costs associated with this work shall be borne by the applicant.

Species	Min. No	Min. Pot Size	Min. Height
Murraya paniculata (south)	2	45 Litres	2 metres

Trees shall be planted a minimum of 1.2 from driveways, service pits and stormwater pits/lintels.

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.

**84. 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.

**85. Turf on Council's Verge**

All turf on Council's verge directly adjacent to the lot on Milton Street shall be removed and replaced with Kikuyu turf **prior to the issue of an Occupation Certificate.** Levels on the verge must remain unchanged.

Reason:- to improve streetscape appearance.

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

The area set aside for the parking of vehicles, and so delineated on the endorsed plan Drawing No. A 1.00 and A 1.01 Issue C dated 29/07/2015 dated 07.03.2016 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.

87. **Number of Car Parking Spaces**

A total of 28 off-street car parking spaces are to be provided to the development, including a minimum of 2 disabled car parking spaces. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 m. Disabled car parking shall comply with the relevant Australian Standards.

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

Reason:- to ensure there is sufficient car parking for the development and to comply with ADCP 2010 - Parking & Loading.

88. **Accessible parking design**

Accessible car parking spaces, including the shared zone, shall comply with Australian Standard AS2890.6. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant construction certificate.

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

89. **Car Parking Allocation**

A set of tandem car parking spaces is to be allocated to each of the 3 bedroom units with the remaining set of tandem spaces to be allocated to a 2 bedroom unit. The disabled car parking spaces are to be allocated to the units noted on the approved plans as "Adaptable Dwellings".

Details demonstrating compliance shall be submitted to the Principal Certifying Authority **prior to issue of the Occupation Certificate.**

Reason:- to ensure car parking spaces are appropriately allocated within the development.

90. **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.

91. **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.

92. **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.

93. **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.

94. **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.

95. **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.

96. **Driveway surface treatment**

Driveway surface treatments must finish at the property boundary.

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

97. **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.

98. **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.

99. **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.

100. **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.

101. **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.

102. **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.

**103. SEPP 65 – Design Verification**

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

- a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

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

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

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

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

**105. 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.

106. **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.

107. **Side/Rear Boundary Fencing**

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

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

108. **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.

109. **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.

110. **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.

111. **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.

112. **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.

113. **Compliance with Submitted Acoustic Report**

All noise control measures specified in the acoustic assessment report prepared by Acoustic Logic Reference number 20150520.1/1105A/R0/JL, dated May 2015 shall be **installed prior to the issuing of the occupation certificate.** All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.



Reason:- to ensure suitable acoustic amenity is provided.

114. **Acoustic Certification**

**Within three (3) 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 criteria contain in the acoustic assessment report prepared by Acoustic Logic Reference number 20150520.1/1105A/RO/JL, dated May 2015 have been met. Where the criteria are not met 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 all noise mitigation recommendations are adhered to.

115. **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.

116. **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.

117. **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.

118. **Noise and Vibration**

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

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.

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

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

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

#### 119. 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.

#### 120. Intruder Alarms

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations

(Noise Control) Regulation 2000.

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

121. **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.

122. **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.

123. **Garbage Storage and Collection**

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

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

124. **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.

125. **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.

126. **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 (e.g. 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.

127. **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.

128. **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.

129. **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.

### 130. 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.

### 131. 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.

132. **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.

133. **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.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM C012/16 - 6-14 PARK ROAD, AUBURN**

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel that pursuant to the provisions of Section 96(1A) of the Environmental Planning & Assessment Act, 1979, application No. DA-150/2014/D to modify conditions 1 and 99 relating to loading bay signage and internal head height clearance on land at 6-14 Park Road, Auburn be approved and the consent amended in the following manner:

1. By amending Condition 1 to include reference to the following plans:
  - Ground Floor Plan – Job No. 8342 S96-H:06, Issue H, dated 27 April 2015, prepared by Zhinar Architects.
  - Loading Dock – Job No. 8342 CCA 303.
2. By amending Condition 99 (as per underline and strikethrough) as follows:

99 Waste Collection

The proposed loading bay adjacent to the basement ramp shall be used only for waste collection. In this regard appropriate signage including head room clearance (minimum ~~4.0~~ 3.0 metres) shall be provided at the entry point. Prior to issue of the Occupancy Certificate the Principal Certifying Authority shall ensure that the sign has been installed.

Reason:- to prevent delivery trucks using the bay via reverse movements.

3. By adding the following condition:

99a Waste Collection Service

All waste and recycling collection for the building is to be undertaken by a private contractor, using collection vehicles no greater in height than 2.5 metres, such as the Isuzu (Euro 5) Rear Loader 8m<sup>3</sup> Collector Series II CS Mini, or similar.

Details of the appointed waste and recycling contractor are to be provided to the Principal Certifying Authority prior to issue of the Occupancy Certificate.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM C013/19 – PLANNING PROPOSAL FOR 23-27 LYTTON STREET WENTWORTHVILLE (NORTHSIDE WEST CLINIC SITE) – POST EXHIBITION REPORT**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel:

1. Receive and note the report and outcomes of the community consultation.
2. Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued (with delegations) for this Planning Proposal in accordance with section 56(2) of the Environmental Planning and Assessment Act 1979.
3. Recommend approval to proceed with the amendments to the controls affecting 23-27 Lytton Street Wentworthville, as nominated in the Planning Proposal. That is, to amend the planning controls to:
  - a. Zoning of R4 High Density Residential.
  - b. Maximum building height of 15m.
  - c. Floor Space Ratio (FSR) of 1:1.
- 3A. Recommend a site specific development control plan be developed for the site and that this include setbacks.
4. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 3 and 3A, be reported to Council seeking a resolution to forward it to the Department of Planning & Environment for finalisation.
5. Recommend that the concerns raised in the community submissions are passed to the relevant departments within Council for action or for consideration in the Development Application process (whichever is appropriate).



For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM C014/16 – PLANNING PROPOSAL FOR 11-19 CENTENARY ROAD MERRYLANDS (ST VINCENT DE PAUL SITE) - POST EXHIBITION REPORT**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel:

1. Receive and note the report and outcomes of the community consultation.
2. Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued (with delegations) for this Planning Proposal in accordance with section 56(2) of the *Environmental Planning and Assessment Act 1979*.
3. Recommend proceeding with the amendments to the controls affecting 11-19 Centenary Road & 15 Wyreema Street Merrylands, as nominated in the Planning Proposal. That is, to amend the planning controls to:
  - a. Land use zoning of R4 High Density Residential.
  - b. Maximum building height of 15m.
  - c. Floor Space Ratio (FSR) of 1.2:1.
4. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 3, be reported to Council seeking a resolution to forward it to the Department of Planning & Environment for finalisation.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM C015/16 – PLANNING PROPOSAL REQUEST FOR 37-39 PAVESI STREET, SMITHFIELD**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel:

1. That Council proceed with the preparation of a Planning Proposal for 37-39 Pavesi Street, Smithfield, which proposes to rezone the site for R2 Low Density Residential, with the following planning controls:
  - A maximum floor space ratio of 0.5:1
  - A maximum building height of 9m
  - A minimum lot size of 450m<sup>2</sup>
2. That a revised concept be provided prior to public exhibition, incorporating the following:

- Revised road design that ensures service vehicles can move safely along the entire length of the road
  - Revised turning arrangement for service vehicles, located at the end of the road
  - A minimum lot size of 450m<sup>2</sup>
3. That, prior to public exhibition, the revised road design be reported to Council's Traffic Committee along with the proposal to dedicate the new road to Council, for the Committee's consideration.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

The meeting terminated at 2.05 p.m.

Signed:

  
Chairperson