



**Land and Environment
Court**
of New South Wales

Level 4 225 Macquarie Street SYDNEY NSW 2000
Level 4 GPO Box 3565 SYDNEY NSW 2001
DX 264, Sydney

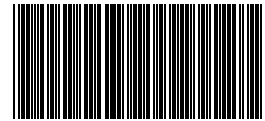
Telephone: 02 9113 8200
Facsimile: 02 9113 8222
02 91138208

Email: lecourt@justice.nsw.gov.au
Website: <http://www.lec.justice.nsw.gov.au>

ABN: 52 659 114 436

COLIN SAMUEL ROBERT MCFADZEAN
colin.mcfadzean@cumberland.nsw.gov.au

Your Ref:



D0001E8MHM

19 March 2021

NOTICE OF ORDERS MADE

Case number 2019/00342348
Case title Simon Elias v Cumberland Council

On 19 March 2021 the following orders (and/or directions) were made:

The Court orders:

- (1) The Applicant is granted leave to amend its development application to rely upon the following plans: (refer to Attachment 1 with Table to Order (1)).
- (2) The Applicant is granted leave to amend its development application to rely upon the following documents: (refer to Attachment 2 with Table to Order (2)).
- (3) The Applicant is to pay the Respondent's costs in the sum of \$4,500 payable within 28 days from receipt of a tax invoice from the Council, arising under s 8.15(3) of the Environmental Planning and Assessment Act 1979.
- (4) The appeal is upheld.
- (5) Development Application No. 2017/534/1, for the consolidation of two lots, demolition of existing structures on site, construction of eleven (11) multi dwelling housing units over a basement car park and associated landscaping and drainage works on land legally described as Lot 100 and Lot 101 DP 5296, known as 5-7 Richardson Street, Merrylands, is approved subject to the conditions at Annexure A.

For the Registrar

Attachment 1

Table to Order (1)

Drawing No. and Revision/Issue	Title	Prepared by	Date
1. Architectural plans			
Sheet No A3-01 Revision J	Cover Page	CK Design + Interiors	8 February 2021
Sheet No A3-03 Revision F	Basix Commitments	CK Design + Interiors	20 April 2020
Sheet No A3-05 Revision F	Site Analysis		20 April 2020
Sheet No A3-06 Revision J	Site & Demolition Plan		8 February 2021
Sheet No A3-07 Revision J	Basement Floor Plan		8 February 2021
Sheet No A3-08 Revision J	Ground Floor Plan		8 February 2021
Sheet No A3-09 Revision J	First Floor Plan		8 February 2021
Sheet No A3-10 Revision J	Roof Plan		8 February 2021
Sheet No A3-11 Revision H	Elevations		20 January 2021
Sheet No A3-12 Revision H	Elevations		20 January 2021
Sheet No A3-13 Revision H	Section		20 January 2021
Sheet No A3-14 Revision J	Shadow Diagrams - Winter		8 February 2021
Sheet No A3-15 Revision J	Shadow Diagrams - Winter		8 February 2021
Sheet No A3-16 Revision J	Shadow Diagrams - Summer		8 February 2021
Sheet No A3-17 Revision J	Shadow Diagrams - Equinox		8 February 2021
Sheet No A3-18 Revision J	Solar & Cross Flow Analysis – June 22 nd		8 February 2021
Sheet No A3-19 Revision F	Schedule of Finishes		20 April 2020
Sheet No A3-20 Revision J	Calculation Sheet		8 February 2021
Sheet No A3-21 Revision F	3D Perspectives		20 April 2020

Drawing No. and Revision/Issue	Title	Prepared by	Date
Sheet No A3-22 Revision F	Adaptable Layout		20 April 2020
Sheet No A3-23 Revision J	Fence Detail		8 February 2021
Sheet No A3-24 Revision H	Elevational Shadows		20 January 2021
Sheet No A3-25 Revision J	Courtyard Shadows		8 February 2021
Sheet No A3-26 Revision J	Courtyard Shadows		8 February 2021
Sheet No A3-27 Revision J	Courtyard Shadows		8 February 2021
Sheet No A3-28 Revision H	Sun Eye View Analysis		20 January 2021
Sheet No A3-29 Revision H	Sun Eye View Analysis		20 January 2021
Sheet No A3-30	Attic Calculation Details		October 2017
2. Landscape Plans			
Sheet L01 Revision D	Proposed Landscape Plan	Online Landscaping	9 February 2021
3. Engineering Plans			
Drawing No C1 Revision H	Cover Sheet & Notes	Nastasi & Associates Consulting Civil & Structural Engineers	9 February 2021
Drawing No C2 Revision H	Basement Drainage Plan		9 February 2021
Drawing No C2-1 Revision H	Basement Ramp Plan		9 February 2021
Drawing No C2-2 Revision H	Basement Ramp Sections		9 February 2021
Drawing No C3 Revision H	Drainage Plan		9 February 2021
Drawing No C3-1 Revision H	100 year Flood Zone – Post Development and Proposed Spot Levels		9 February 2021
Drawing No C3-2 Revision H	Proposed Pipe Longitudinal Section		9 February 2021
Drawing No C4 Revision H	OSD Catchment Plan		9 February 2021
Drawing No C5 Revision H	Stormwater Details		9 February 2021

Drawing No. and Revision/Issue	Title	Prepared by	Date
Drawing No C6 Revision H	OSD Plan & Details		9 February 2021
Drawing No C7 Revision H	Stormwater Details		9 February 2021
Drawing No C8 Revision H	Sediment Control Plan		9 February 2021

Attachment 2

Table to Order (2)

	Title	Prepared by	Date
4	Traffic Assessment and Swept Paths - Revision A	Blue Horizon Properties	9 February 2021
6	Letter from Endeavour Energy regarding Connection of Load Application	Endeavour Energy	14 July 2020
7	Flood Study and Impact Report	Nastasi & Associates Consulting Civil & Structural Engineers	8 February 2021
8	Flood Model	Nastasi & Associates Consulting Civil & Structural Engineers	3 February 2021
9	Acoustic Assessment	Rodney Stevens Acoustic Consultants	4 February 2021
10	Access Report	PSE Access Consulting	5 February 2021
11	Basix Certificate No:885893M_06 and stamped plans	EcoPlus Consultants	10 February 2021

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 2017/534/1

Development: Demolition of existing structures, consolidation of two lots into one lot and the construction of a multi dwelling housing development accommodating 11 units over a basement car park and associated landscaping and drainage works.

Site: Lots 100 and 101 in DP 5296, being 5-7 Richardson Street, Merrylands

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 19 March 2021

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lots 100 and 101 in DP 5296, being 5-7 Richardson Street, Merrylands.

The conditions of consent are as follows:

General Conditions**1. General**

This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.

(Reason: Advisory)

2. Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
<i>Architectural plans, Project No. 17050-01</i>			
Sheet No. A3-06, Issue J	Site & Demolition Plan	CK Design	08/02/2021
Sheet No. A3-07, Issue J	Basement Floor Plan	CK Design	08/02/2021
Sheet No. A3-08, Issue J	Ground Floor Plan	CK Design	08/02/2021
Sheet No. A3-09, Issue J	First Floor Plan	CK Design	08/02/2021
Sheet No. A3-10, Issue J	Roof Plan	CK Design	08/02/2021
Sheet No. A3-11, Issue H	Elevations	CK Design	20/01/2021
Sheet No. A3-12, Issue H	Elevations	CK Design	20/01/2021
Sheet No. A3-13, Issue H	Section	CK Design	20/01/2021
Sheet No. A3-19, Issue F	Schedule of Finishes	CK Design	20/04/2020
Sheet No. A3-22, Issue F	Adaptable Layout	CK Design	20/04/2020
Sheet No. A3-23, Issue J	Fence Detail	CK Design	08/02/2021
Sheet L01, Revision D	Landscape Plan	Online Landscaping	09/02/2021
<i>Stormwater Plans, Project No. 6262</i>			
Dwg No. C1, Revision H	Cover Sheet & Notes	Nastasi & Associates	09/02/2021

Reference/Dwg No	Title/Description	Prepared By	Date/s
Dwg No. C2, Revision H	Basement Drainage Plan	Nastasi & Associates	09/02/2021
Dwg No. C2-1, Revision H	Basement Ramp Plan	Nastasi & Associates	09/02/2021
Dwg No. C2-2, Revision H	Basement Ramp Sections	Nastasi & Associates	09/02/2021
Dwg No. C3, Revision H	Drainage Plan	Nastasi & Associates	09/02/2021
Dwg No. C3-1, Revision H	100yr Flood Zone – Post Development & Proposed Spot Levels	Nastasi & Associates	09/02/2021
Dwg No. C3-2, Revision H	Proposed Pipe Longitudinal Section	Nastasi & Associates	09/02/2021
Dwg No. C4, Revision H	OSD Catchment Plan	Nastasi & Associates	09/02/2021
Dwg No. C5, Revision H	Stormwater Details	Nastasi & Associates	09/02/2021
Dwg No. C6, Revision H	OSD Plan & Details	Nastasi & Associates	09/02/2021
Dwg No. C7, Revision H	Stormwater Details	Nastasi & Associates	09/02/2021
Dwg No. C8, Revision H	Sediment Control Plan	Nastasi & Associates	09/02/2021
070609	Plan showing detail and levels	Benchmark Surveys	21/6/2007
Revision K	Flood Study & Impact Report	Nastasi & Associates	08/02/2021
Cert. No. 885893M_06	BASIX Certificate	Ecoplus Consultants	10/02/2021
Report Ref. R150481R3	Acoustic Report	Rodney Stevens Acoustics	04/02/2021
	Waste Management Plan		27/08/2019

(Reason: To confirm and clarify the details of the approval)

3. Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work. construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier and lodgement of Notice of Commencement.

If demolition is associated with the erection of or extension to an existing building, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

4. Australia Post Guidelines

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

5. Telecommunications/ TV Antennae

No more than one telecommunications/TV antenna is to be installed to each building.

(Reason: To prevent the proliferation of telecommunications/TV antennae)

6. Mechanical Ventilation

The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 – 2012 - The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards)

7. Waste Management

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction phases of the development.

(Reason: Compliance with approval)

8. Maintaining Catchment Drainage

Construction of the new trunk drainage pipeline must take place such that there is no interruption to the flow of drainage from upstream land to downstream land within a piped network. Noting the location of the current pipe within portions of the land to be excavated, this will necessitate decommissioning of the current pipe and the commissioning of the new the pipe (or other interim measures to the satisfaction of Council) prior to excavation and building works within the alignment of the current pipe taking place.

Note: The applicant should refer to subsequent conditions for the approval of drainage works, the payment of bonds and standards for the new drainage works.

Conditions which must be satisfied prior to the commencement of demolition of any building or structure

9. Demolition - General

Demolition - General

- a) That two working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - ☐ The date when demolition will commence,
 - ☐ Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - ☐ The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - ☐ Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c) Demolition works are restricted as follows:
 - ☐ Monday to Saturday inclusive - 7:00am - 5:00pm
 - ☐ Sundays and Public Holidays - No work
- d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - ☐ The date when demolition will commence;
 - ☐ Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - ☐ The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information: www.asbestosawareness.com.au

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License.

NOTE:

- ☐ Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom).
- ☐ Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- ☐ To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- ☐ NSW Work Health and Safety Act and Regulation 2011;
- ☐ Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- ☐ NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- ☐ NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

10. Asbestos Clearance Certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

11. Notification of Asbestos Removal Works

At least five working days prior to the removal works, the developer or demolition contractor must notify adjoining residents of asbestos removal works. Notification is to include, at a minimum:

- ☐ The date and time when asbestos removal works will commence;
- ☐ The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- ☐ The full name and license number of the asbestos removalist/s; and
- ☐ The telephone number of WorkCover's Hotline 13 10 50.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

12. Barricades for Asbestos Removal

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

13. Site Safety Fencing - Demolition Only

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and maintained.

(Reason: Public safety)

14. Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 - Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

15. Tree Preservation

All street trees and trees on adjoining properties that are protected under Cumberland City Council's controls, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

16. Noise Control During Construction

The noise and vibration mitigation management plan proposed in the Acoustical Assessment report prepared by Rodney Stevens Acoustics dated 4 February 2021 must be implemented.

17. Sediment and Erosion Control measures

Prior to the commencement of any works, temporary sediment and erosion control measures are to be installed in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines and maintained during the demolition, excavation and construction phase of the project to the satisfaction of Council and the Principal Certifier. The following measures should be included:-

- (a) A stabilised dish shaped diversion drain or similar structure constructed above the proposed building works to divert overland run-off to a stabilised discharge area such as dense ground cover or turf;
- (b) Sediment-trapping fencing using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area;
- (c) Vegetation and areas not affected by the construction are to remain undisturbed;
- (d) Provision of one designated point for vehicular access which is adequately covered at all times with blue metal or the like to prevent mud and dirt leaving the site and being deposited on the street. Wheel wash/shakers may be required for extensive construction works;
- (e) Building operations such as brick cutting, washing tools or brushes and mixing mortar must not be carried out on public roadways or footway areas;
- (f) Stockpiles such as topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls; and
- (g) Gutters, downpipes and the connection of downpipes to the stormwater disposal system must be complete prior to the fixing of the roof cladding.

(Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site)

18. Sediment and Erosion Control 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: Soils and Construction. All Erosion and sediment control measures at the site shall be in accordance with the erosion and sediment plans prepared by Nastasi & Associates, numbered 6262-C8 revision "H" dated 09/02/2021 A copy of the plan must be kept on-site at all times and made available to Council Officers on request.

(Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site)

19. Surveying - Boundaries

All footings and walls proposed within 1m of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that are adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority.

(Reason: To ensure correct boundary offsets)

Conditions which must be satisfied prior to the issue of a Construction Certificate

20. Amendments to Approved Plans

Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of a Construction Certificate that ensure the existing street tree is protected and retained.

(Reason: To confirm and clarify the terms of Council's approval)

21. Amendments to Architectural Plans

Amended architectural plans shall be submitted to the Council or registered certifier prior to the issue of a Construction Certificate demonstrating the following:

- a. The existing surface along the front boundary line, that falls within the proposed driveway shall not be lowered.
- b. A crest shall be provided across the width of the driveway within the property boundary to prevent the street stormwater entering the basement through the driveway. The crest shall be approximately 70mm to 100mm higher than the associated top of the kerb
- c. The long-section profile shall demonstrate the following:
 - (i) The head room clearance along the driveway ramp from the property boundary up to the basement car park shall be no less than 2.2m from the finished floor to the lowest hanging objects or structures. The minimum available clearance must be signposted at all entries. Appropriate warning devices such as Low Clearance sign flexible striker bars, as specified in Clause 4.3.4(a) of AS2890.1-2004 shall be provided in conjunction with the signs where ever the clearance shown on the signs is less than 2.3m.
 - (ii) The headroom clearance from the finished surface to the ceiling and /or to the lowest hanging object within the basement car park shall be at least 2.2m.
 - (iii) The sectional gradients, transition length, etc along the access driveway and ramp shall comply with AS2890.1-2004.
- d. Ramp width shall be clear of the any structure such as door jamb for the shutter gate at the end of the ramp, that conflicts with vehicle manoeuvring.
- e. The waiting bay at the basement shall be shown on the basement car park plan.

(Reason: To ensure compliance with clearance, manoeuvring)

22. Application for a Construction Certificate

Construction work must not commence until a Construction Certificate has been obtained from Council or a registered Certifier.

(Reason: Statutory requirement)

23. Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. 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 National Construction Code)

24. Works within Boundary

No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

25. Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

Council may use part or all of the deposit to carry out rectification work for any damage caused by the development to Council's infrastructure.

(Reason: To protect Council infrastructure)

26. Payment of Bonds, Fees and Long Service Levy

The Council or registered certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

27. Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Holroyd Council Section 94 Contributions Plan 2013 is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Holroyd Council Section 94 Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

28. Fees to be paid to Council prior to issue of the Construction Certificate

Demolition fees	\$495.02 (pre and post inspections)
Damage Deposit	\$2,995.00
Sect. 7.11 Contributions	\$69,434.00 + CPI
Traffic Management Plan	\$211.50

Kerb Crossing Bond (Related to Driveways)	\$5,725.00
Driveway inspections	\$724.00
Bond for relocation of Council's Drainage pipeline and connection into Council's Drainage pipe	Applicable bond
Bond for removal of redundant vehicular crossing	\$1,500.00
Bond for footpath construction/reconstruction	\$3,000.00
Bond for kerb and gutter construction/reconstruction	\$1,500.00
Bond for registration of positive covenant and restriction/overland flow path	\$6,605.00
TOTAL	\$92,189.52 + CPI where applicable

Please note that other fees and charges may be applicable to the proposal, and the total fees calculated at the time of payment may exceed the figures detailed above. Further, fees to be paid to Council will be determined at the time of payment in accordance with Council's current adopted Fees and Charges Policy and therefore may exceed the fee amount quoted above.

(Reason: Statutory requirement and information)

29. Photographic Record of Council Property - Damage Deposit

The applicant shall submit to Council prior to demolition commencing and/or issue of any Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full 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 occurred during the course of construction, Council may require either part or full re-instatement.

Failure to provide a full 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.

(Reason: Maintain public assets)

30. Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an "Application for Property Boundary Line Levels". Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed

to incorporate smoothly the designated levels.

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public infrastructure)

31. Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

32. Vehicular Crossings, Redundant Vehicular Crossings and other Works

Concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site in accordance with Council requirements. All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer.

A separate Council approval is required and in this regard the applicant must lodge an application (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to the issue of the Construction Certificate.

This application will also be required where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed and/or required.

(Reason: To ensure appropriate access to the site can be achieved)

33. Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

In accordance with Section 138 of the Roads Act 1993 and prior to the issue of any

Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

34. Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Council or registered certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

35. Construction Traffic Management Plan

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council's Engineers, a detailed construction Traffic Management Plan (TMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved TMP.

The following matters (at a minimum) must be addressed in the TMP:

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.

- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant Pedestrian Management Plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

36. Off Street Car Parking - Residential Buildings

No less than 21 car parking spaces are required to be provided on site comprising 18 residential spaces and 3 spaces for visitors.

- a) All car spaces shall be allocated and marked according to this requirement.
- b) Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- c) Visitor spaces shall only be used by persons visiting residents of the property or persons with a legitimate legal reason to be upon the land.
- d) Access to visitor parking shall not be restricted without development approval.
- e) A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

37. Maintaining Sight Lines (multi- unit development)

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 2m within the site or splayed 2.0m wide by 2.5m deep to provide satisfactory sight lines. Details are to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Safety)

38. Stop Signs

Appropriate sign(s) shall be provided and maintained within the site at the point of vehicular egress to signal all vehicles are to stop before proceeding onto the public road.

(Reason: Adequate access and egress)

39. Stacked Parking

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the

same single dwelling unit. The stacked parking spaces must be designated (with appropriate signage) for the specified dwelling and not for the purposes of visitor parking. Details must be reflected in the plans and documentation to be lodged with a Construction Certificate application.

(Reason: To ensure that building users will have access to their allocated parking spaces)

40. Translucent Glazing for Privacy in Wet Areas

Translucent glazing must be installed in all bathroom, ensuite and toilet windows.

(Reason: Amenity)

41. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist" and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

(Note: where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works).

The stormwater plan shall be in accordance with the stormwater plans prepared by Nastasi & Associates, *drawings 6262-C1 to 6262-C1 to -C8*, revision "H" dated 09/02/2021 and address the following:

- (a) The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1% AEP storm event into the OSD system with no gutter overflows.
- (b) All gutters and downpipes shall have sufficient capacity to prevent overflowing.
- (c) One half of the base of the HED control pit shall have a dry platform installed to allow stepping while inside the control pit for maintenance. The platform shall be at least level with the centre of the orifice to allow it to remain dry.
- (d) The other half of the base of the HED control pit shall have a sump adjacent to the orifice plate for collection of the sediments and to allow trash screen to be fitted. The sump shall be benched towards the orifice plate.
- (e) All roof-runoff from the building shall be directed into the OSD system
- (f) The basement pump-out tank shall be incorporate a sump of at least 300mm deep to house the pumps installation, and to ensure continuation of priming of the pump to avoid cavitation.
- (g) Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.

- (h) The suspended section/portion of the access driveway from the property boundary up to the crest of the driveway ramp shall be sufficient freeboard to clear of the overland flood water level including floating debris or floating materials and ensure that no object or floating materials deposits and blocks the flow path at the upstream side of the driveway.
- (i) In order to prevent the siphoning effect of the floodwater passing under the suspended portion of the access driveway two grated openings shall be provided on the suspended section of the driveway as shown on the stormwater layout plan.
- (j) Galvanised step irons staggered at 300mm centres shall also be proposed at each access point to the underground storage tank/s.
- (k) All access points to the belowground tank shall be a minimum of 900mm x 900mm grated lid.
- (l) A confined space danger sign shall be provided at all access points to the underground OSD storage tank.
- (m) The access covers over the belowground OSD tank shall be grated, hinged with child-proof safety lock.

The amended plan shall be submitted to the Council or registered certifier for approval with the application for the construction certificate.

(Reason: Stormwater management)

42. Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and the Holroyd Development Control Plan 2013, and to the satisfaction of Council or the registered certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection)

43. Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified professional engineer with Engineers Australia membership, in accordance with Council's On-site Stormwater Detention Policy and shall be submitted to the Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

44. Grated Drain across the driveway within the ramp

A grated trench drain shall be provided *across the width of the driveway within the ramp*. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted with the Construction Certificate.

(Reason: Management of driveway runoff and environmental protection)

45. Control of Seepage Water

A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 litres per second. A minimum seepage rate of 0.001 litres per second per square metre shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate, prior to the issue of a Construction Certificate.

(Reason: Prevention of public nuisance from discharge of seepage water)

46. Dilapidation Report

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site as part of this approved development. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be completed and submitted to the owner/s of the affected property/ies, Council and the registered certifier prior to undertaking any works that may cause damage. All costs shall be borne by the applicant/person acting on the consent.

The Dilapidation Report is to be prepared by a suitably qualified practising engineer.

Please note:

- a) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- b) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

(Reason: To ensure there is an adequate record of the state of neighbouring properties prior to works commencing on site)

47. Salinity

This site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction measures are to be incorporated for all dwellings/buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Ensure appropriate construction methods are used)

48. Retaining Walls

Retaining walls greater than 1.0m above the 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 the Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)

49. Structural Engineer's Details

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 Council or registered certifier.

(Reason: To ensure safety and the proper design of structural elements of the building)

50. Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer. Details are to be submitted with the application for a Construction Certificate.

(Reason: Ensure the applicant is responsible for costs associated with adjustments to Telecommunications infrastructure)

51. Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must include the recommendations of the approved acoustic report prepared by Rodney Stevens Acoustics dated 4 February 2021 reference R150481R3.

Note: Suitably qualified Acoustic Consultant means a consultant who holds a current member grade of the Australian Acoustical Society.

(Reason: To ensure appropriate noise attenuation measures are used)

52. Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- c) A hot and cold hose cock shall be provided within the room.

A detailed plan showing the design and location of the waste storage room must be submitted to the Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

53. Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Council or registered certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

54. Sydney water approval

Approval in principle from Sydney Water must be obtained indicating approval or no objection to the following activities affecting Sydney Water's asset:

- a. Excavation on and around the Sydney Water's sewer line.
- b. Replacing and/or relocating the existing sewer pipe that hangs open across the basement.

(Reason: To ensure compliance with the requirements for construction within the Sydney water's asset)

55. Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

The Principal Certifier must ensure that the plans have been approved through the Sydney Water "Tap in" process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

56. Bond for relocation of council's drainage pipeline and Connection into Council's Drainage System

Prior to the issue of a Construction Certificate, the applicant shall liaise with Council's Infrastructure Asset/Design Section regarding the bond amount to be lodged with Council to cover the satisfactory completion for construction of stormwater redirection work and restoration works to the satisfaction of Council. This bond will be held for six (6) months after the completion of works or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements.)

57. Approval for the Drawings of pipe-works/ trunk drainage and connection into council stormwater system

The proposed relocation and redirection of the existing Council stormwater pipeline including the construction of new kerb inlet pit and junction pits, and connection into Council's existing stormwater pipe system pit must be approved by Council's Manager of Engineering & Traffic. In this regard, detailed drawings of the proposed pipeline, associated pits, and connection works must be submitted to Council's Manager of Engineering and Traffic and approved as a part of the Construction Certificate for the Stage 1 works within the public domain and the relocation/ redirection of Council's Asset. The following requirements apply:-

- a. Drawing details including the cross-sectional details of the new kerb inlet pit and junction pits, and modification of existing kerb inlet pit to suit connection works to the satisfaction of Council's Infrastructure Asset/ Design Section.

- b. Drawing showing the details including the surface and invert level of the new connecting pipe and existing pipes, pit etc. must be provided to the satisfaction of Council's Infrastructure Asset/ Design Section.
- c. Long-sectional profile of the new pipeline with the chainage (pipeline segmental lengths), existing and proposed ground levels, invert levels of the pipeline at the upstream and downstream ends of the pipe sections, sectional pipe gradients, the pipe size, material, pipe capacity, and Hydraulic gradient lines and pipe flow for 5% and 1% AEP storm event.
- d. The details such as the location and levels of any service-crossings/obstructions or obstacles etc. along the pipeline, must be shown on the drawings.
- e. The hydraulic gradient for 5%AEP event must not exceed the freeboard level of each pit and must ensure that no pit surcharges.
- f. The proposed pipeline layout and/or installation must not cause any adverse impact on to the neighbouring structures. In this regard, the following shall be provided:
 - i. the construction method and a construction management plan, including statement from a qualified practicing structural engineer which explains the construction methodology to be used to ensure that the excavation and installation of the pipeline will not impact on the *3 Richardson Street* or the building structure.
 - ii. certificate that the pipe redirection work does not impact on or compromise on the functionality and capacity of the existing pipe system.
- g. Provision shall be made that the new pipeline is protected by the creation of a drainage easement of appropriate width with the pipe being at the centreline of the easement.

Council's standard assessment fee will apply. Additional fees will apply for additional assessments that are required to be undertaken by Council. The required drawings must be submitted together with a completed Approval Application form and required assessment fee.

(Reason: To ensure appropriate design and standards are maintained for the protection and maintenance of council assets)

58. Bond for removal of redundant vehicular crossing

The applicant shall lodge with Council a **\$1,500.00** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for six (6) months after the completion of works or issue of a Final Occupation Certificate (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements)

59. Bond for footpath construction/ reconstruction

The applicant shall lodge with Council a **\$3,000.00** cash bond or bank guarantee for the satisfactory completion of the **construction and/or reconstruction** of the concrete footpath paving adjacent to the site. This bond will be held for six (6) months after the

completion of works or issue of a Final Occupation Certificate (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements)

60. Bond for Kerb & Gutter construction/ reconstruction

The applicant shall lodge with Council a **\$1,500.00** cash bond or bank guarantee for the satisfactory completion of the **construction and/or reconstruction** of the concrete kerb and guttering adjacent to the site. This bond will be held for six (6) months after the completion of works or issue of a Final Occupation Certificate (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements)

61. Bond for Registration of positive covenant and restriction/ Overland Flow path

The applicant shall lodge with Council a **\$6,605.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the *on-site detention system and overland flow path*. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land Registry Services.

(Reason: To ensure compliance with the requirements)

62. Habitable floor level to be 500mm above the 1%AEP flood level

The habitable floor level of the building and the crest level of the driveway ramp shall be at least 500mm above the associated 1%AEP flood level at the front of the property. In this regard the crest level at the driveway ramp shall not be lower than RL35.21mAHD (i.e. 500mm above the associated flood level).

(Reason: To ensure protection of properties from flood)

63. Structure to withstand impact of overland flow and floating debris

All the building-structures, walls, etc. up to the **500mm** above 1%AEP flood level shall be designed to withstand effect of the overland flow and impact of the floating debris.

(Reason: To ensure protection of properties from the overland flood)

64. Flood Management Measures

The development site has been identified as a flood affected site in the 1%AEP storm event, which was considered as part of the development consent. In this regard, design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed:

- a. Demonstrate compliance with the recommendation and requirements as outlined in the *Flood Study and Impact Report* prepared by *Nastasi & Associates Pty Ltd*, revision "K" and dated 08/02/2021 *and all the relevant development controls specifically Table 8 under Section 8.6 of part A of the Holroyd DCP2013 shall be complied with*
- b. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, floating debris and objects, and buoyancy up to and including the Flood Planning Level (1% AEP flood plus 500mm freeboard).

- c. All works up to the flood planning level shall be constructed of flood compatible materials.
- d. All the electrical equipment, power supply, wiring, power outlets shall be located above the flood planning level. All works shall generally be in accordance with Holroyd DCP 2013 Section 8 table 9 and 10.
- e. All boundary fencing within the flood-affected area shall be installed of flood compatible pool type fence, in accordance with Council standard detail SD8025.

(Reason: To ensure appropriate flood management measures are in place and protection from the flood)

65. Overland flow path

The existing **1%AEP** overland flow path shall not be adversely impacted. Any modification to the existing overland flow path and extent shall ensure that the flow characteristics of the overland flow-path such as the channel flow capacity, velocity and the depth of flow within the neighbouring properties are not adversely impacted.

The proposed re-alignment of the overland flow path shall strictly comply with the levels and extent of inundation as outlined on “*100 Year Flood Zone – Post Development and Proposed Spot Levels*” plan, drawing number 6262-C3-1 revision “H” dated 09/02/2021, and including recommendation as outlined in the *Flood study and Impact Report*.

(Reason: To maintain existing overland flowpath)

66. Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an “Application for Property Boundary Line Levels”. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the “Application for Property Boundary Line Levels”, fees are payable in accordance with Council’s adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council’s footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

(Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided).

(Reason: Public infrastructure)

67. Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: To ensure safety of pedestrian and traffic management)

68. Vehicular Crossings, Redundant Vehicular Crossings, and other Works

Concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site in accordance with Council requirements. All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath-area is to be restored to the satisfaction of Council's Engineer.

A separate Council approval is required and in this regard the applicant must lodge an application (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to the issue of the Construction Certificate.

This application will also be required where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter, and stormwater pit construction are proposed and/or required.

(Reason: To ensure appropriate access to the site can be achieved)

69. Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

In accordance with Section 138 of the Roads Act 1993 and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact-on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

Conditions which must be satisfied prior to the commencement of any development work

70. Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from Council or a registered certifier.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the Council 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
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) 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 certifier of 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

(Reason: Statutory requirements)

71. Home Building Compensation Fund

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied 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 (unless the work is to be carried out by an owner-builder);
- c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;

- d) Written notice of the following information has been provided to Council;
- i. In the case of work for which a principal contractor is required to be appointed:
 - ☐ The name and licence number of the principal contractor, and
 - ☐ The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
 - ii. In the case of work to be done by an owner-builder:
 - ☐ The name of the owner-builder, and
 - ☐ If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Principal Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

72. Site Safety Fencing

Erect site fencing to a minimum height of 1.8m, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

(Reasons: Statutory requirement and health and safety)

73. Principal Certifier Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- a) The Principal Certifier by showing their name, address and telephone number;
- b) The Principal Contractor (if any) by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, and must be removed when the work has been completed.

(Reason: Statutory requirement)

74. Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

The Principal Certifier must ensure that the plans have been approved through the

Sydney Water 'Tap in' process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

75. Toilet Amenities for People Working at the Site

Suitable toilet amenities are to be provided at the work site at all times. If a temporary toilet is proposed, it must:-

- a) Have a hinged door capable of being fastened from both inside and outside,
- b) Be constructed of weatherproof material,
- c) Have a rigid and impervious floor; and
- d) Have a receptacle for, and supply of, deodorising fluid.

(Reason: To ensure suitable toilet amenities are provided for workers)

76. Notice of Requirements from Sydney Water

Following application to Sydney Water, they will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. The Notice of Requirements letter must be submitted to the Principal Certifier before the commencement of works.

(Reason: To comply with statutory requirements)

Conditions which must be satisfied during any development work

77. Construction Hours

No construction or any other related activities including the delivery of materials to the site shall be carried out on the site outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm Saturdays. No work is to occur on Sundays and public holidays.

Note: Demolition work is not permitted on weekends or public holidays- refer to specific demolition conditions for approved hours.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 6.00 pm Monday to Friday.

(Reason: To minimise impacts on neighbouring properties)

78. Site Management

All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

79. Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.

(Reason: Compliance with condition of consent)

80. Approved Plans

Approved plans as stamped by the Council following the granting of consent by the Court shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

81. General Site Requirements during Demolition and Construction

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- a) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- b) No blasting is to be carried out at any time during construction of the building.
- c) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- d) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- e) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- f) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- g) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- h) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- i) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- j) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's

stormwater drainage system.

(Reason: To ensure minimal disruption to the local area and to ensure demolition, building and any other site works are undertaken in accordance with relevant legislation and policy.)

82. Communication Cabling

All electricity and communication cabling shall be installed underground as per the relevant authority's requirements.

(Reason: Environmental Amenity)

83. Compliance with the Noise Management Plan

All demolition, excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Noise Management Plan conditioned as part of this consent.

(Reason: To protect residential amenity)

84. Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW EPA's Waste Classification Guidelines, Part1: Classifying Waste (2014). The materials must be transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and the requirements of their relevant classification.

(Reason: Environmental protection)

85. Importation of Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

All fill imported onto the site must be validated by either one or both of the following methods:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(Reason: To ensure controls are in place for contamination management)

86. Notification of New Contamination Evidence

Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland City Council.

Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a Remedial Action Plan (RAP) to be prepared

and implemented to ensure the site can be made suitable for the approved use in light of the new information.

Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Cumberland City Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

87. Road and Footpath Opening Permit

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road and Footpath Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained prior to any works on the verge, footpath, public road reserve, or public reserve being undertaken.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered separately by the 'Application for Vehicular Crossing and Road Works' or the 'Application for Street Drainage Works Approval'.

(Reason: Maintain public asset)

88. Dust Control

The following measures must be implemented (in part or in total), along with any other measures as directed by Cumberland Council, to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland Council.

(Reason: To prevent the movement of dust outside the boundaries of the site)

89. Tree Protection

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines/root zone area.

(Reason: Tree preservation)

90. Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

91. Survey Report

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
- c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

92. Salinity

The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the principal certifier has confirmed that all required construction measures addressing salinity (as required by this consent and accompanying Construction Certificate) have been carried out.

(Reason: To ensure required construction measures addressing salinity are carried out)

93. Air Conditioning Units - Location

Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

94. Construction of new drainage line

The relocation of the existing drainage pipeline shall comply with the following requirements:-

- a. All new pits shall be constructed in accordance with Council's requirement.
- b. Existing kerb inlet pit shall be modified to suit connection works as required by Council.

- c. The new drainage pipeline shall be installed in accordance with the requirement of Council's Infrastructure Asset/ Design section.
- d. The stormwater drainage works and connection into the Council stormwater system must be inspected during construction by Council's Infrastructure Asset/Design Section and approved prior to backfilling. Documentary evidence of compliance with Council's specifications/ requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:-
 - (i) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
 - (ii) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.
 - (iii) Final Inspection.
 - (iv) Council's standard inspection fee will apply to each of the above inspections at key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note: A private certifier or the PCA **cannot** be engaged to do this inspection.

- e. Request for inspections of the works during progression as required by Council's Infrastructure Asset/Design section.
- f. Remediation of the site upon completion of the work to the satisfaction of Council's Civil Infrastructure Unit.

Note: Please contact the Council's Infrastructure Asset/Design Section for requirement details relevant standard plan number/drawing and bookings for inspection).

Upon completion of the work, the construction and connection work shall be certified by a qualified engineer. A separate Work-As-Executed plan shall be prepared for the approved stormwater plan and submitted together with the engineer's certificates to Council separately.

(Reason: To protect council's asset and maintain quality)

95. Driveway within the Nature Strip/road reserve

The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

(Reason: To maintain uniformity of driveway)

96. Inspection of Works (Stormwater Connection to Public Infrastructure)

The stormwater drainage works connecting into the Council stormwater system shall be inspected by **Council** during construction. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
- (b) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.

(c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note: A private certifier or the PCA cannot be engaged to do this inspection.

(Reason: To protect council's asset and maintain quality)

97. Access to premise and parking provisions

The access to the premise and parking provision shall comply with the following requirements

a. Access to the premise

- i. An application for the vehicle crossing approval must be made to council prior to commencement of the work.
- ii. Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.
- iii. Heavy-duty vehicular crossing between the formed road and the property boundary shall be 6m wide. These works shall be carried out at the applicant's expense and shall be in accordance with Council's issued drawings and levels.

b. Parking spaces

- i. All parking spaces shall be signposted and line-marked in accordance with the endorsed signs and line-marking plans and Australian Standards (i.e. AS2890.1-2004, AS2890.1-2002, and 2890.6-2009).
- ii. The entry / exit driveways shall be indicated with appropriate signage and line-marking to avoid traffic conflict at the driveway.
- iii. Wheel stops shall be provided at appropriate parking locations in accordance with AS2890.1-2004.

(Reason: Provision of access and parking management)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part**98. Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifier is required to be satisfied, amongst other things, that:

- a) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- b) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: A new building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

99. Final Clearance

A final clearance is to be obtained from the relevant energy service provider if clearance has not previously been obtained.

(Reason: To ensure power is available for the site)

100. S73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new subdivision with water, wastewater and stormwater facilities).

101. Engineer's Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the principal certifier. This certificate shall state that reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant standards/codes.

(Reason: Structural certification)

102. Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the principal certifier.

- a) A Certificate from a Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- i. the stormwater drainage system, and/or
- ii. the car parking arrangement and area including circulating ramps, and/or
- iii. any related footpath works, and/or
- iv. the basement mechanical pump and well system, and/or
- v. the proposed driveway and layback, and/or
- vi. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with

the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

(Reason: Asset management)

103. 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)

104. Mechanical Ventilation - Certificate of Completion

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the National Construction Code 2019, must be submitted to the Principal Certifier.

(Reason: To ensure correct installation of mechanical ventilation systems)

105. Acoustic Verification

Prior to the issue of the Occupation Certificate, all certification must be provided that the recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 4 February 2021 reference R150481R3 have been implemented.

(Reason: To protect residential amenity)

106. Landscaping

Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Principal Certifier.

Any works that vary from the approved plan/s must be documented or shown on a Works-As-Executed Landscape Plan and attached to the certificate. A copy of the Landscape Certification is to be provided for Council's verification with the Occupation Certificate.

(Reason: Landscape certification)

107. OSD Identification Plate

Prior to the issue of a Final Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the On-site Stormwater Detention

(OSD) system. This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The wording and plate shall be in accordance with Council's standard requirements.

(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)

108. Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the NSW Land Registry Services must be submitted to Council prior to the issue of the Occupation Certificate.

(Reason: Information)

109. Certificate of Compliance

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 Certifier.

(Reason: Protection of public asset)

110. Public Drainage Infrastructure – Post construction dilapidation report (CCTV).

To ensure that the Council's asset (such as stormwater pipes, pits etc.) are not affected by the development including the construction of the access driveway, a CCTV verification that no damage such as cracking or settlement of Council's asset shall be provided upon the completion the construction works. The CCTV shall extend **10m** upstream as well as downstream beyond the work zone. The CCTV shall have the stamp of the date, time and distance/ chainage in metre. A CCTV inspection report with the table showing the chainage/ distance from the origin and the observed asset condition at critical locations must be prepared and submitted to the council together with the CCTV footage. Any observed or likely damages shall be remedied by the applicant at its own cost to the satisfaction of council's Manager Engineering and Traffic, and must be completed prior to issue of any occupation certificate.

(Reason: Protection of Council's asset)

111. Boundary Fencing Flood Affected Areas

The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In this regard, all boundary fencing within the flood-affected area(s) as identified in the flood report shall be constructed in accordance with Council's standard detail SD8025. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% AEP flood. The fencing shall be constructed in consultation with adjoining affected property owner(s) at full cost to the developer. In this regard, photographic evidence of the construction of the fence in accordance with this requirement shall be provided to Council for approval prior to the issue of any Occupation Certificate.

(Reason: To ensure unobstructed overland flow, provision of safety and security)

112. Emergency Flood Evacuation Plan

An Emergency flood evacuation plan shall be prepared for evacuation to a safe refuge noting that the street around will be inundated with flood water and the access road will be cut off during the probable maximum flood event.

(Reason: To ensure safety)

113. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

- a. Reconstruct sections of cracked or defective kerb & gutter along the full frontage of the site, and
- b. Reconstruct existing public drainage pit/pipe system, and
- c. Construct a new vehicular crossing, and
- d. Remove any redundant vehicular crossings, and replace with kerb & gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: To preserve Council's assets and amenity)

114. Construction of Concrete Footpath

A concrete footpath with a width 1.2m shall be constructed across the full Richardson Street frontage of the property. 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 SD8100 and issued level sheets. All footpath areas within the road reserves that are not concrete shall be turfed with 'ST85 Buffalo' or 'Sir Walter'.

The above works must be constructed prior to the release of any Occupation Certificate.

Note: *The above works will require the submission of the relevant application for the works to be undertaken.*

(Reason: To preserve Council's assets and amenity)

115. Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed across the full length of the Richardson Street frontage. 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 SD8100 and issued level sheets.

The above works must be programmed and constructed prior to the issuing of any Occupation Certificate.

Note: *The above works will require the submission of the relevant application for the works to be undertaken.*

(Reason: To preserve Council's assets and amenity)

116. Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a professional engineer with Institution of Engineers Australia membership, as being in accordance with Council's Engineering Specifications and the Holroyd Development Control Plan 2013, prior to the issue of the final Occupation Certificate.

(Reason: Adequate stormwater management)

117. Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority and another set shall be submitted to council.

- a) A Certificate from a professional engineer with Engineers Australia membership certifying that the following have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes, relevant Standards and Council's policies and specifications:
 - i. the stormwater drainage system,
 - ii. the car parking arrangement and area including circulating ramps,
 - iii. any related footpath works,
 - iv. the basement mechanical pump and well system,
 - v. the proposed driveway and layback,
 - vi. other civil works
- b) "Work-As-Executed" drawings of the engineering works prepared by a registered surveyor.
- c) The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as-built floor levels.
- d) OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- e) Work-As-Executed plan of the overland flow path.
- f) Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
- g) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- h) Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and leak-proof capability etc.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

(Reason: To ensure quality of the asset, Councils record and Asset management)

118. On-Site Detention (OSD) area warning Signs

The applicant shall provide a standard OSD area warning sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.

(Reason: To provide warning that the stormwater may rise and cause ponding)

119. Maintenance Schedule for On-Site Detention (OSD) stormwater System

A maintenance schedule for the stormwater and On-site Stormwater Detention including a sketch plan of the components forming the sites stormwater drainage and On-Site-Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

(Reason: To make aware and guide the owners for the required maintenance of the system)

120. Positive covenant and Restriction as to User for the maintenance of OSD system and the overland flow path

Prior to occupation and the issuing of an Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and/or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the constructed OSD stormwater System and the redirected overland flow path in accordance with the flood study report.

(Reason: To ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems)

121. Creation of Stormwater Drainage Easement

The new redirected stormwater pipeline shall be protected by creation of a drainage easement of *at least 3m wide (1.5m wide on either side of the pipe)* along the pipeline. The easement shall be registered with Land Registry Services prior to issue of an Occupation Certificate and the documentary evidence showing the registration of the drainage easement shall be submitted to Council. Prior to registration, the plan showing the appropriate layout and width of the required drainage easement shall be submitted to council for endorsement.

The applicant shall provide to Council, a plan of survey by a Registered Surveyor showing the position of the pipe relative to the property boundary and the proposed drainage easement. The easement shall be adjusted such that the pipe is centrally located within the easement and the final documents shall be submitted to council for endorsement prior to registration.

No building/structures shall be erected on or over the easement.

(Reason: Protection of public asset)

Conditions which must be satisfied during the ongoing use of the development**122. Waste & Recycling Collection**

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside as soon as practicable and returned to the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

123. General Noise Emission Criteria

- a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
- b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
- c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.

Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity)

124. Noise from operation of air conditioning unit/s

Noise emitted by the air conditioning unit/s installed at the premises must comply with the following criteria:

- a) Shall be inaudible within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open during the following hours:
 - i. before 8am or after 10pm on any Saturday, Sunday or public holiday, or

- ii. before 7am or after 10pm on any other day, and
- b) Shall not emit an LAeq,15min noise level when measured at the boundary of any other residential property which exceeds the background (LA90, 15minutes) by more than 5dB(A) when used during all other times that are not restricted in (a) above.

(Reason: To protect residential amenity)

125. Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

126. Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 4 February 2021 reference R150481R3 relating to use and/or management of the site must be implemented and complied with.

(Reason: to ensure acoustic impacts of the development are controlled.)

127. Landscape Maintenance - General

All open space areas are to be regularly maintained in a neat and tidy state. In this regard, lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain their trees in a safe growing condition.

(Reason: Safety and landscape amenity)

128. Visitor Parking Restriction

Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity.

(Reason: Compliance)

129. Parking

At least 21car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the building.

(Reason: Access to required car parking spaces)

130. Vehicle Access

All vehicles are to enter and exit the site in a forward direction.

(Reason: Traffic and pedestrian safety)

131. Future use of the facility prohibition

As the site is identified as flood-affected land, the site facility must not be used for collecting, or handling, or storing, or processing of any kind of waste materials.

(Reason: Protection of environment)

132. 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 logbook 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(s).

(Reason: To ensure the onsite detention facility is in good working order)

Advisory Notes

1. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please, contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

2. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works, which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443 or <https://www.telstra.com.au/consumer-advice/digging-construction/relocating-network-assets>.

3. Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must agree prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence, the Community Justice Centre (CJC) can provide mediation. See the CJC website for more information - cjc.justice.nsw.gov.au

4. Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fee and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. The fee must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

5. Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW website at safework.nsw.gov.au/your-industry/construction, or phone 13 10 50.

6. Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

7. Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier and any Service Agreement, the *Environmental Planning and Assessment Act 1979* (Act) and the Regulation.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulation for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any Service Agreement.

Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)