

Our Reference:
Contact:
Phone:

2018/332
Miss S Pritchard
02 8757 9959

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

23 July 2019

Snowside Pty Ltd
100B Woolwich Road
WOOLWICH NSW 2110

Dear Sir/Madam

Pursuant to Section 4.16 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lots 10 & 11, DP 1007432

STREET ADDRESS: 106-128 Woodpark Road Smithfield

DEVELOPMENT CONSENT NO: 2018/332/1

DECISION: Sydney Central City Planning Panel

DATE OF EXPIRY OF CONSENT: 23 July 2024

PROPOSED DEVELOPMENT: Stage 2 construction of a two storey building comprising 14 x specialised retail premises, medical centre, and child care centre; construction of a single storey building comprising 1 x specialised retail premises and 4 x food & drink premises; construction of 3 separate single storey buildings for use as fast food outlets with 24 hour operation; signage; 594 car parking spaces; 113 bicycle parking spaces; tree removal & landscaping; and stormwater works

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the development is not physically commenced prior to the date of expiry shown on the front page of this consent.

Concept Development Application - Further Development Application/s Required

2. This consent relates to stage 2 of the development, approved in concept form under DA 2017/7. A further application is required to authorise the works comprising stage 3 of the development.
3. Development shall take place in accordance with the attached endorsed plans:
 - Architectural Plans prepared by Leffler Simes Architects, job number 3689:

Reference	Title	Revision	Date
DA06	Site plan – stage 2	D	28 August 2018
DA07	Ground floor plan – stage 2	K	1 April 2019
DA08	First floor plan – stage 2	K	1 April 2019
DA09	Elevations – stage 2 sheet 1	F	28 August 2018
DA10	Elevations – stage 2 sheet 2	E	28 August 2018
DA11	Elevations – stage 2 sheet 3	G	28 August 2018
DA12	Elevations – stage 2 sheet 4	A	28 August 2018
DA13	Sections – stage 2	E	28 August 2018
DA14	Roof plan	F	28 August 2018
DA19	Signage elevations 1	I	23 May 2019
DA20	Signage elevations 2	H	23 May 2019
DA21	Signage elevations 3	G	23 May 2019
DA22	Signage details	E	4 April 2019
DA23	Pylon signage - details	D	28 August 2018
DA55	Childcare centre tenancy	B	17 May 2019
DA56	Childcare unencumbered floor & roof plan	A	17 May 2019
DA57	Typical lifestyle images	A	17 May 2019

- Landscape Plans prepared by John Chetham & Associates, project number 106WP/DA/LP/I:

Drawing No.	Title	Revision	Date
S1/00	Landscape Master Plan	I	10 May 2019
S1/01	Landscape Plan 01	E	10 May 2019
S1/02	Landscape Plan 02	F	10 May 2019
S1/03	Landscape Plan 03	E	10 May 2019
S1/04	Landscape Plan 04	F	10 May 2019
S1/05	Landscape Plan 05	E	10 May 2019
S1/06	Landscape Plan 06	F	10 May 2019
S1/07	Landscape Sections & Details 01	L	10 May 2019
106WR/CRC/LP/01	Landscape & Play Area Plan	F	29 May 2019
106WR/CRC/LP/02	Landscape section & play item sample images	F	29 May 2019

- Civil engineering plans prepared by Acor Consultants, project number WS180023

Drawing no.	Title	Issue	Date
DAC1.01	Cover sheet, locality plan and drawing index	B	12 September 2018
DAC1.02	Notes sheet	B	12 September 2018
DAC1.03	Key plan	B	12 September 2018
DAC2.01	Ground floor siteworks plan – sheet 1	B	12 September 2018
DAC2.02	Ground floor siteworks plan – sheet 2	B	10 September 2018
DAC2.03	Ground floor siteworks plan – sheet 3	B	10 September 2018
DAC2.04	Ground floor siteworks plan – sheet 4	B	10 September 2018
DAC2.05	Ground floor siteworks plan – sheet 5	B	10 September 2018
DAC2.06	Ground floor siteworks plan – sheet 6	B	10 September 2018
DAC2.11	First floor siteworks plan – sheet 1	B	10 September 2018
DAC2.12	First floor siteworks plan – sheet 2	B	10 September 2018
DAC2.13	First floor siteworks plan – sheet 3	B	12 September 2018
DAC3.01	Site cross sections ground floor	B	10 September 2018
DAC3.02	Site cross sections level 1	B	12 September 2018
DAC4.01	Ground floor stormwater longitudinal sections – sheet 1	B	10 September 2018
DAC4.02	Ground floor stormwater longitudinal sections – sheet 2	B	10 September 2018
DAC4.03	Ground floor stormwater longitudinal sections – sheet 3	B	10 September 2018
DAC4.04	Ground floor stormwater longitudinal sections – sheet 4	B	12 September 2018
DAC4.11	First floor stormwater longitudinal sections	B	12 September 2018
DAC5.01	On-site detention catchment plan	B	12 September 2018
DAC5.02	On-site detention sections and calculations	B	10 September 2018
DAC6.01	Overland flow path – plan	B	10 September 2018
DAC6.02	Overland flow path – sections	B	12 September 2018
DAC7.01	Ground floor soil erosion and sediment control plan – sheet 1	B	12 September 2018
DAC7.02	Ground floor soil erosion and sediment control plan – sheet 2	B	10 September 2018
DAC7.03	Ground floor soil erosion and sediment control plan – sheet 3	B	10 September 2018
DAC7.04	Ground floor soil erosion and sediment control plan – sheet 4	B	10 September 2018
DAC7.05	Ground floor soil erosion and sediment control plan – sheet 5	B	10 September 2018
DAC7.06	Ground floor soil erosion and sediment control plan – sheet 6	B	10 September 2018
C7.21	Sediment and erosion control notes and details	B	12 September 2018
DAC8.01	Fire tank typical cross section	B	12 September 2018
DAC9.01	Details sheet 1	B	10 September 2018
DAC9.02	Details sheet 2	B	12 September 2018

- Stormwater management report prepared by Woolacotts Consulting Engineers, reference 15-313, revision D, dated 28 July 2017;
- Childcare centre plan of management received by Council 4 April 2019;
- Waste management plan prepared by Elephants foot recycling solutions, report number 17088, revision J, dated 26 March 2019;
- Evacuation plan for child care centre prepared by SPS Fire and Safety, dated 28 February 2019;
- Arboricultural impact assessment prepared by Russell Kingdom (Advanced Treescape Consulting), dated 12 September 2018, and supplementary statement dated 28 May 2019;
- Acoustic letter of support prepared by WSP, reference 2304616PA-ACG-LTR-001, RevA4, dated 28 August 2018;
- Correspondence from NSW Roads and Maritime Services, reference SYD18/01651, dated 6 November 2018;
- Correspondence from Endeavour Energy dated 26 October 2018; and
- Correspondence from Sydney Water, dated 11 January 2019

except as otherwise provided by the conditions of this determination and/or marked in red.

4. All work shall be carried out in accordance with the requirements of the National Construction Code. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

5. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act.

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

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

6. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

7. The proposed structure/s are to be located clear of existing and/or pre-approved realigned Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.

The footing system is to be designed by a practising professional structural engineer.

8. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.
9. No approval is granted or implied for the use of the food and drink tenancies. Separate development consent/s is/are required for the fit out and use of those buildings.
10. No approval is granted or implied for the fit out of the medical centre. Separate development consent is required.

Child Care Centres

11. An approval shall be obtained from Department of Education and Communities (DEC) for the child care centre prior to commencement of operations. The number of children cared for in the new centre shall be consistent with the age brackets identified on the child care centre floor plans, and must not exceed **130**.
12. Compliance with the Education and Care Services National Regulations is required.

N.B. The subject Development Consent issued by Council does not imply or otherwise verify compliance with the Regulation.

Substation / fire hydrant boosters

13. No approval is granted or implied for any encasing structures (i.e., blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps.

Cranes

14. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any cranes that swing over Council land.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Amended Plans

15. Amended plans/additional information addressing the following issues are to be submitted to the certifying authority for approval prior to the issue of a construction certificate.
 - a. End of trip facilities are to be provided throughout the development, sufficient for the use of all employees in order to encourage trips to the facility by bicycle.
 - b. A secure storage area is to be provided for the bin lifter, cardboard bailer and bin moving equipment.
 - c. A construction waste management plan is to be prepared in accordance with section 11, Part A of Holroyd Development Control Plan (HDCCP) 2013. The plan is to demonstrate how waste will be minimised and managed during the construction phase of the development.
 - d. Final details of the lifestyle graphics are to be prepared and submitted to the certifying authority. The graphics must relate to the businesses being carried out on site and must not to incorporate any third party advertising.
 - e. 'Tenant' signage is only to be used for business identification of the relevant tenant.
 - f. Each approved signage panel is to be allocated to a particular tenancy, and identified as such on elevation and signage detail plans.
 - g. Window signs are not to cover more than 30% of any window. The remainder of the window is to be clear glazed.
 - h. North-facing, operable clerestory windows are to be provided to the indoor play areas of the child care centre, to improve internal amenity through the provision of adequate direct sunlight, and natural cross ventilation. The south facing clerestory windows are to be deleted.

Tree Replacement

16. Of the ninety-six (96) replacement trees to be planted throughout the site, a minimum of twenty (20) of these trees must be *Corymbia maculata* or other indigenous tree species selected from the following list:

Angophora floribunda
Angophora bakeri
Eucalyptus crebra
Eucalyptus eugenioides
Eucalyptus moluccana
Eucalyptus tereticornis
Eucalyptus amplifolia
Eucalyptus fibrosa
Eucalyptus flaboidea
Eucalyptus longifolia
Eucalyptus paniculata
Eucalyptus punctata

Syncarpia glomulifera

These particular twenty (20) replacement trees must be of minimum 75 L container stock.

Payment of Bonds, Fees and Long Service Levy

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

Damage Deposit

18. A cash bond/bank guarantee of **\$6,160** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

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

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

20. Payment of a **\$764** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Infrastructure Works

21. All infrastructure works, as listed below, shall be designed and submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a Construction Certificate:
 - i. Stormwater infrastructure involving the collection of roof water and surface runoff and conveying to a stormwater pipe/pit or a street gutter.
 - ii. Design of the internal parking layout and driveway shall comply with the requirements of AS2890.1:2004 and AS2890.2:2002. Accessible parking shall be designed in accordance with AS2890.6.

Note: The car parking design is to be provided with trees to provide an appropriate level of shading.

- iii. Location, size and detail of all free standing signage is to be shown on the civil engineering plans.
- iv. All proposed traffic signage, road signs and traffic control devices within the development area. Traffic signs and controls shall be in accordance with AS1743 and relevant RMS supplement.
- v. Design of internal roads, access, footpaths, roundabout, pedestrian crossing including disabled and pram access, kerb and gutter, traffic islands etc. shall be submitted to PCA.

Note: Pedestrian safety is to be maintained through design including clear sight lines at pedestrian and vehicular crossings and clear differentiation of pedestrian and vehicular access.

Standard and Specification

- 22. All engineering works shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:
 - i. Council's Works Specification for Subdivisions and Developments, including relevant standard drawings (current version).
 - ii. Holroyd Development Control Plan (HDCP) 2013.
 - iii. RMS Supplements and relevant technical directions.
 - iv. Australian Standards and relevant guidelines.

Note: For any works proposed or required within the existing public roads, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of the Council with any relevant approvals obtained from the RMS. The design and construction of the above works shall be to the total satisfaction of the Council and/or RMS.

Flooding

- 23. The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event which was considered as part of the development consent. In this regard, design and construction details demonstrating compliance with the development consent and the Stormwater Management Report prepared by Woolacotts Civil Engineers shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed: -
 - i. The construction activities shall not create any adverse impacts on the flood levels within the site and not increase flood levels in neighbouring properties.
 - ii. All new works shall be constructed in flood compatible materials up to the flood planning level, including the requirements for electrical equipment, power supply, wiring, GPO's etc. All works shall generally be in accordance with HDCP 2013 Section 8, table 9 and 10.

- iii. All industrial/commercial buildings will need to be provided with a minimum of 500 mm freeboard protection above the post development 1% Annual Exceedance Probability (AEP) overland flow path level.
- iv. The boundary fences of the development site shall be constructed in accordance with Council 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.
- v. Confirmation that the locations of the on-site stormwater detentions are not inconsistent with the flood modelling.
- vi. Confirmation that the inlet capacity of the proposed box culverts within the new access road.
- vii. Submit details and drawings of the works that are required to convey the 1% AEP stormwater overland flow through the site ensuring that the neighbouring properties do not suffer any increase in water levels or flooding following construction of the proposed structure.

Construction Work

- 24. Traffic Management Plans shall be lodged with the Council and RMS for any construction works to be carried out where construction activity impacts on traffic flow or pedestrian access on public road, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). A copy of the approved TMP shall be kept on site during the course of construction for reference and compliance.

Construction and Traffic Management Plan

- 25. The applicant shall provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
 - i. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - b) Signage type and location to manage pedestrians in the vicinity;
 - c) Locations and type of any hoardings proposed along all street frontages;
 - d) Area of site sheds and the like;
 - e) Location of any proposed crane standing areas;
 - f) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - g) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

- h) The provision of an on-site parking area for employees, tradesperson and construction vehicles;
- ii. All necessary concurrences and approvals from RMS must be obtained for any construction works impacting on Cumberland Highway and Woodpark Road.
- iii. A Traffic Control Plan for the site shall be prepared for approval by Council incorporating the following: -
 - a) As a minimum Traffic control devices proposed in the road reserve shall be in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so. The main stages of the development requiring specific construction management measures shall be identified and specific traffic control measures identified for each.
 - b) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage shall be provided detailing: -
 - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
 - c) Evidence of RMS concurrence for the proposed construction access.
 - d) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
 - e) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.

Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

- iv. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- v. Subject to an application for the occupation of public roadway or footway (Section 138, Local government Act 1993), and covered by a minimum Public Liability cover of \$20,000,000. Cumberland Council shall be named on the certificate of currency as an interested party.

Traffic

26. The detailed design of the proposed new and upgrade existing Traffic Control Signal (TCS) plans and associated signs and line marking at Cumberland Highway / new access way and at the intersection of Cumberland Highway / Woodpark Road respectively shall be prepared by qualified traffic practitioner / consultant and submitted to Council and Roads and Maritime Services (RMS) for consideration.

Note: the detailed design of the TCS, signs and line marking plans is subject to Council's Traffic Committee and RMS approval. Contact Council's Traffic Engineer to include an item for the Traffic Committee meeting.

27. The submitted swept path analysis (SHT-RD-1026) indicated that the exiting vehicle (turning right into Woodpark Road) is encroaching into parking lane on the northern side of Woodpark Road which is unacceptable. Therefore, the swept path analysis shall be amended to address this matter.
28. Height clearance shall be shown on the plans and shall be in accordance with Australian Standards 2890.1-2004, 2890.6-2009 and 2890.2-2002.
29. Long sections of the proposed driveway ramps / internal road ways shall be provided to Council with gradients and dimensions. The transition at the top and bottom of the driveway/ramps should be checked for scraping and bottoming out.
30. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.
31. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
32. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009, AS 2890.2-2002 and the endorsed plans.

Note: sufficient signs / line marking shall be provided at entry / exit driveway of the proposed child care centre to restrict the access for the child care centre use only during the hours of operation of the child care centre.

Structures near Easements

33. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement to protect Council's stormwater drainage infrastructure. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A Structural Engineer's certificate for the special footings referred to above is to be submitted to the Principal Certifying Authority.

Required Submissions to Certifying Authority

34. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

35. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
36. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
37. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
38. Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
39. Details for compliance with the Disability (Access to Premises - Buildings) Standards 2010 are required to be submitted to the Principal Certifying Authority with the Construction Certificate application.
40. An emergency evacuation plan shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

Substation

41. Details of the proposed substation demonstrating compliance with Endeavour Energy's standards and requirements are to be submitted to the certifier for approval prior to the issue of a construction certificate. No consent is granted or implied for any blast wall or other associated ancillary structures.

Fencing/Gates

42. Fencing/gates must not obstruct pedestrian or vehicular access and shall not cause vehicles to queue on the public road/reserve. All fencing and gates shall be located in accordance with the relevant Australian Standards. Details to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Sight Distances

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

Construction Management Plan

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

Remediation/Validation Report

45. Prior to the issuing of the Construction Certificate a remediation/validation report is required for the removal of the underground storage tank and the asbestos located at test pit 217. Copies of any remediation/validation report are required to be submitted to the satisfaction of Council's Manager Development Assessment prior to the issue of the Construction Certificate.

Food Preparation Area – Child Care Centre

46. Staff toilets must comply with AS 4674-2004 and the food standards code as food handlers will be using these toilets. Details demonstrating compliance are to be submitted to the certifying authority for approval prior to the issue of a construction certificate.
47. An appropriate area shall be provided at the premises for the storage of all waste, oil and recyclable material generated by this premises and associated garbage bins/recycling containers. The garbage storage area shall be covered and all internal walls be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above are to be provided to the Principal Certifying Authority (PCA) prior to issue of a Construction Certificate.
48. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement and any associated plans detailing how compliance will be achieved must be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate.
49. Prior to the issue of a construction certificate, details of any regulated systems as defined under the NSW Public Health Act 2010 are to be submitted to the certifying authority for approval. Note: warm-water systems include thermostatic mixing valves

Salinity

50. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

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

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

External Walls and Cladding Flammability

51. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority and Principal Certifying Authority must:
- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Acoustic

52. Details demonstrating how compliance with the recommendations of the endorsed acoustic report are to be achieved must be provided to the certifying authority for approval prior to the issue of a construction certificate.
53. A revised acoustic report is to be prepared, to assess the impact of the alterations to the design of the child care centre, as required to comply with condition 15k. The report is to include any recommendations necessary to ensure that the indoor noise levels for the child care centre will comply with the AAAC guidelines for child care centre acoustic assessment.

PRIOR TO DEMOLITION/WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

54. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

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

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

Notification of Principal Contractor (Builder)/Owner-Builder

55. The person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
 - (c) Notify the Principal Certifying Authority of any such appointment.

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

Photographic Record of Council Property – Damage Deposit

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

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

Notification to Relevant Public Authority

57. The applicant shall ensure that relevant public utility authorities are made aware of the potential salinity problems that have been identified onsite, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

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

Signs to be Erected on Sites

59. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

Prohibited Signage

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

Protection of Public Places

61. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.
If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

62. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd's "Erosion & Sediment Control Policy."
Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Tree Protection Conditions

63. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
64. Trees numbered 66, 67, 70, 72 & 74 are to be retained shall be protected throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting, dated 12 September 2018 and relevant Australian Standards. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a

suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

Footpaving, Kerbing and Guttering

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

Support for Neighbouring Buildings

67. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
 - a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).
68. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2 m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

Toilet Facilities

69. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

- iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Roadworks

- 70. The applicant is to submit an application for a road opening permit where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
- 71. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
- 72. A construction program shall be provided to Council and all works within the Council reserve shall be completed in accordance with the program. Council's Development Engineer shall be advised in writing prior to the commencement of works.
- 73. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is required to be submitted prior to commencement of works. Cumberland Council shall be named on the certificate of currency as an interested party.

Works within Council's Reserve

- 74. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.

DURING CONSTRUCTION

The following conditions are applicable during construction:-

Endorsed Plans & Specifications

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

Hours of Work & Display of Council Supplied Sign

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

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

Site Control

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

Waste Management Plan

80. The Waste Management Plan prepared to satisfy condition 15c. must be implemented and complied with during all stages of works on site.
81. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

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

82. Section 6.6 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

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

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

Construction

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

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

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

Salinity

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

Acoustic

85. The construction of the proposed development is required to adhere to the requirements of the NSW EPA *Interim Construction Noise Guidelines* and the NSW EPA *Industrial Noise Policy*.

Landscaping/Site Works

86. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

Tree Protection

87. The tree/s identified on the endorsed plans as being retained shall be protected against damage throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting, dated 12 September 2018, and the relevant Australian Standards.
88. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained that:
 - i) Sets out maintenance work carried out on tree/s; and
 - ii) Assesses the health and condition of the tree/s required to be retained and protected.

The report should also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs and be provided at three monthly intervals during construction works that are within 5m of any tree.

89. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
90. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50 mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Structures near Easements

91. The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

Road Works and Footpaving

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

Child Care Centre Kitchen

94. The premises are to be constructed and fitted out strictly in accordance with the Australian/New Zealand Food Safety Standards Code 3.2.3 'Food Premises and Equipment' and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises.

Underground Cabling

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

Underground Power Connection

96. Power connection is to be underground. No intermediate power pole is permitted even when electricity reticulation cannot be obtained directly from the street.

Vehicle Cleansing

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

Importation of Fill

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

Additional Information during Construction

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

Line Marking

100. Directional arrows for internal circulation shall be prominently displayed on the vehicular access ways.

Fitout of Food Preparation Area (Child Care Centre)

101. A rigid smooth faced impervious ceiling shall be provided over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
102. The ceiling shall be painted with a light coloured washable paint.

103. All fluorescent light fittings shall be fitted with a smooth faced diffuser. The light fitting shall be either recessed so that the diffuser is flush with the ceiling, or designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate.
104. Coving is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
105. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.
106. The walls of food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 2 metres.
107. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 450mm above all sinks, tubs, draining boards, wash hand basins and preparation benches.
108. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour from the floor to the underside of the exhaust hood.
109. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.
110. Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:-
 - Wheels or casters which allow the fully loaded fitting to be easily moved
 - Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
111. All shelving being installed on approved metal brackets and kept at least 25mm clear of wall.
112. Food preparation benches shall be constructed of stainless steel.
113. The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.
114. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.
115. All service pipes and electrical conduits which are not capable of being concealed within the walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent (wall) vertical surface and 100mm between the pipe and adjacent (floor) horizontal surface.
116. A freestanding hand wash basin is to be provided in an approved position in the kitchen/food preparation area, which provides a supply of warm water (minimum 40°C) through a single spout. The hand wash basin shall facilitate hands free operation (should a mixer tap be used for this purpose it shall have an extended handle of not less than 250mm

in length), and shall be provided with a mounted liquid soap and paper towel dispenser adjacent to the basin.

117. All openings in the walls, floors and ceiling and all external doors and windows must be vermin proof.
118. All windows and doors to the external air are to be provided with fly screens.
119. All doors be rendered vermin proof by installing a metal strip 150 mm wide at the bottom of the door on both sides of the door.
120. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8KW in accordance with AS 1668 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

121. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
122. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Principal Certifying Authority prior to the issue of a final occupation certificate.

123. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

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

Playground Equipment Certification

124. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.

Landscaping/Tree Protection

125. Certification is to be provided to the Principal Certifying Authority (PCA), from a suitably qualified person or the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

126. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.

Parking/Driveway

127. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid traffic conflict at the driveways.
128. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
129. The construction of new and upgrade existing Traffic Signal Lights at Cumberland Highway / proposed new access way and at the intersection of Cumberland Highway / Woodpark Road and associated signs and line marking shall be undertaken by the applicant at no cost to Council.
130. All parking spaces shall be signposted and linemarked in accordance with the endorsed signs and linemarking plans and Australian Standards (i.e. AS2890.2-2002, AS2890.1-2004 and 2890.6-2009).
131. The entry / exit driveways shall be indicated with appropriate signage and linemarking to avoid traffic conflict at the driveway.
132. An Operational Management Plan (OMP) for the proposed Childcare Centre shall be prepared and reviewed in regular basis. The plan shall detail how the Childcare Centre will be managed to minimize impact on other uses within the site. The OMP should include but not limited to the below:
- Drop off / pick up time is staged,
 - Encourage staff and parents to use public transport,
 - Advice parents of the designated parking spaces for the Childcare Centre.

Fire Safety

133. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:–

- that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
 3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.
134. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

External Walls and Cladding Flammability

135. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Road Works

136. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.

Infrastructure Works

137. All works detailed under condition 21 of this consent shall be completed by the applicant to the satisfaction of Principal Certifying Authority.

Footpath

138. The construction or reconstruction of concrete footpath paving and associated works within the site shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.

Removal of Redundant Crossings

139. Removal of all redundant vehicular crossings and laybacks along the road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD 810

Filling and Compaction

140. The applicant shall at his own expense engage a N.A.T.A. registered soil testing authority to ensure that the standard of compaction achieved within the proposed road pavement is in accordance with the approved specifications. A report shall be submitted to PCA prepared by a qualified Geotechnical Engineer advising if the level of compaction achieved is in accordance with Council's specification or any remedial action required to achieve such.
141. Filling and levelling of the site shall be carried out to the satisfaction of PCA. Special attention is drawn to the following requirements of Council's Specification for Subdivisions and Developments:
 - (a) Submission of compaction certificates for fill within the road reserves;
 - (b) Submission of compaction certificates for road subgrade;
 - (c) Submission of compaction certificates for road pavement materials;
 - (d) Certificates from road material suppliers.

Certification and WAE Drawing - Stormwater and On-site Detention

142. A copy of the as approved stormwater drainage and on-site detention showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
143. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On-Site Detention shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

Roads

144. Minimum Two (2) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed roads, including sections.
145. A certificate of compliance for the construction of the road (including vehicular crossing, footpath paving, kerb and guttering) and drainage works shall be obtained from the engineer supervising the works and be submitted to Council.

Positive Covenant

146. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention Basins shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction on Use shall be in accordance with

Council's standards and specifications for stormwater drainage and on-site detention. The documents shall be approved by the benefiting authority for registration with Land and property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by benefiting authority

Flood Protection

147. All flood works as per the items listed under prior to Issue of Construction Certificate of this consent, and the approved plans shall be completed, and a plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage.
148. A standard flood warning sign is to be provided within the flood affected areas of the site.

Lot Consolidation

149. Lots 10 & 11, DP 1007432 are to be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.
150. Conditions listed under the 'prior to occupation' section of DA 2017/7 are to be complied with to the satisfaction of the PCA, prior to the issue of any occupation certificate for this consent.

Child Care Centre Kitchen

151. A compliance certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1668, Part 1 and 2.
152. Food Business registration shall be obtained from Council, PRIOR to commencement of business operations, in accordance with Council's adopted policy.
153. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 "Food Premises and Equipment" and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises", Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.
154. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.
155. Certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of this development consent.

156. A notification/registration application shall be submitted to Council's Compliance & Environment Department for the food business.
157. Prior to the issue of any occupation certificate the applicant shall submit to the Principal Certifying Authority an endorsed copy of the trade waste licence agreement with Sydney Water.

Operational Management Plan

158. An operational management plan is to be prepared, and submitted to Council prior to the issue of an occupation certificate. The OMP is to include (but not be limited to) addressing the following matters:
 - a. availability and responsibilities of the Centre Manager
 - b. timing of truck movements
 - c. timing of deliveries, use of loading docks
 - d. waste management
 - e. maintenance of landscaping

General

159. Documentary evidence and/or certificates of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent.

CONDITIONS RELATING TO USE

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

Safety & Amenity

160. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
161. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation are to be restricted as follows for the various tenancies:-

Child care centre

7 am to 7 pm Monday to Friday

Medical centre

6 am to 10 pm Monday to Saturday

Specialised retail premises and restaurants

6 am to 10 pm 7 days

Fast food premises

24 hours, 7 days.

Note: Fit out of the food and drink premises and medical centre will be subject to separate approval.

Staged Development – Consistency with Concept Approval

162. In accordance with part 4, division 4.4, section 4.24 (2) of the Environmental Planning & Assessment Act 1979, further development applications in respect of the subject site must not be inconsistent with the concept approved under DA 2017/7.
163. In order to maintain consistency with the stage 1 approval granted pursuant to DA 2017/7, gross floor area for the remaining portion of the site (stage 3) is not to exceed the residual areas detailed in the following table for each land use: -

Land Use	Maximum GFA	Residual GFA
Bulky goods premises	39,600 m ²	19,596 m ²
Warehouse	2,000 m ²	2,000 m ²
Food and drink premises	1,851 m ²	537 m ²
Child Care Centre	1,820 m ²	194 m ²
Medical Centre	1,580 m ²	280 m ²
<i>Total maximum GFA</i>	<i>46,851 m²</i>	<i>22,607 m²</i>

The total maximum GFA for the entire site is not to exceed 46,851 m². The maximum GFA for stage 3 is not to exceed 22,607 m².

164. No approval is granted or implied for the use of the food and drink premises. Separate development consents are required for the fit out and use of those premises.

Parking

165. At least 670 car parking spaces are to be provided within stage 3 of the development to ensure consistency with the concept approved under DA 2017/7. The number of required parking spaces provided under stage 3 is also to ensure that parking across the entire site complies in full with the minimum requirements of HDCP 2013.

Air Emissions

166. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
167. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
168. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
169. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

General Noise Condition

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

Clean Water Discharge

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

Signage on Stormwater Drains (Commercial/Industrial)

174. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H₂O only'.

Landscaping

175. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with Australian Standard 2890.1 – 2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.

Lighting

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

Parking

177. The car parking spaces, driveways and manoeuvring areas are to be used for employees' and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
178. On site car parking spaces numbered and linemarked in accordance with the endorsed plans, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the premises.

Traffic

179. All vehicles (including heavy vehicles) shall enter and exit the site in a forward direction.
180. The largest heavy vehicle size to access the site shall be restricted to a 19 m long semi-trailer.

Hygiene and Food Storage – Child Care Centre

181. Sufficient provisions must be made for the installation of adequate double bowl wash sinks (or single bowl with dishwasher), food preparation sinks and hand wash basins within all food handling areas including bottle preparation areas.
182. Staff food must be stored in a separate area for food intended for the children. Sufficient space must be available to store any required dry goods for the premises.

Refuse & Trade Waste

183. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Emergency Procedures

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

Noise

185. The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
186. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
187. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Clean Water Discharge

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

Waste Collection

189. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste disposal from the site, and be made available to Council Officers on request.

Waste Storage

190. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
191. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.
192. All medical waste is to be safely stored within the building until removed by a medical waste transporter holding a current licence to transport medical waste as issued by the Environment Protection Authority. All used sharps are to be stored in purpose designed containers to prevent needle stick injury.

Medical waste is to be removed from the premises at regular intervals to the satisfaction of Council.

Waste Disposal

193. All razor blades, lancets, syringes, needles and disposable ear piercing equipment shall be placed into an approved sharps container immediately after use on a client. The full container shall be removed and disposed of by an Environment Protection Authority licensed waste contractor.

Mechanical Ventilation

194. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.
195. The mechanical exhaust ventilation system effectively capturing and conveying all heat, fumes and other aerosols to the hood exhaust openings, but in a case the capture velocity at any position over the face area of the hood, serving the cooking facilities, being not less than that required under AS 1668 Parts 1 & 2.

Operational Management Plan

196. The operational management plan prepared to satisfy condition 158 shall be implemented, and adhered to at all times.
197. The operational management plan shall be reviewed on a regular basis to ensure all road safety and operational conditions are adequately addressed. Any amendments to the operational management plan are to be approved by Council prior to implementation.
198. The signage must not incorporate:
- Flashing lights;
 - Electronically changeable messages;
 - Animated display, moving parts or simulated movement; or
 - A method of illumination that distracts or dazzles.

General

199. The number of children cared for in the child care centre shall not exceed **130**.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
 - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising or signage, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

- B. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.

- C. Section 8.3 of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a section 8.3 application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

- E. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.

- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

- G. **BANK GUARANTEES**

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “**Banks**” and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

H. TERMITE PROTECTION

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

I. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

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

J. 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 on 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.

K. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s 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.

L. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT