



DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*
(Section 4.18(1))

Development Application No: DA2020/0308

Applicant: Anglican Community Services
C/- Mecone NSW Pty Ltd
Level 2 / 3 Horwood Place
PARRAMATTA NSW 2150

Property Description: 215, 229-239 Pitt Street MERRYLANDS NSW 2160
Lot 2 DP 501597, Lot J DP 10354, Lot 2 DP 537031, and Lot 1 DP 1079960

Development: Demolition of existing structures and construction of a 24 storey mixed use development comprising retail and commercial premises, an 88 bed residential aged care facility, 98 independent living units, basement car parking and public domain works.

Determination

Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

Determination Date: 23 December 2020

Date from which Consent Operates: 23 December 2020

Date Consent Lapses: 23 December 2025

By: Council Staff Delegated by Sydney Central City Planning Panel

Right of Appeal

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the land and environment court within 12 months of the date of this notice.

NOTE: This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

A handwritten signature in black ink, appearing to read 'D Cavallo'.

Daniel Cavallo
Director Environment and Planning

Date: 23 December 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

CONDITIONS OF CONSENT

General Conditions

1. DAGCA01- 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. DAGCA02 - 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.

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Dated
General – Cover Page / 18050 / DA-000-001	Turner	02 DA	21/10/2020
General – BASIX / 18050 / DA-001-002		01 DA	30/04/2020
Context & Analysis – Existing Laneways / 18050 / DA-100-101		02 DA	08/10/2020
Context & Analysis – Interim Laneways / 18050 / DA-100-102			
Context & Analysis – Future Laneways / 18050 / DA-100-103			
Context & Analysis – Site Plan / 18050 / DA-100-004		01 DA	30/04/2020
Demolition Plan – Demolition Plan / 18050 / DA-101-001			
GA Plans – Basement 03 / 18050 / DA-110-005		02 DA	08/10/2020
GA Plans – Basement 02 / 18050 / DA-110-006			
GA Plans – Basement 01 / 18050 / DA-110-007			
GA Plans – Ground Level / 18050 / DA-110-008			
GA Plans – Plant Level / 18050 / DA-110-009			
GA Plans – Level 01 / 18050 / DA-110-010			
GA Plans – Level 02 / 18050 / DA-110-020			
GA Plans – Level 03 / 18050 / DA-110-030			
GA Plans – Level 04 / 18050 / DA-110-040			
GA Plans – Level 05 / 18050 / DA-110-050			
GA Plans – Level 06 / 18050 / DA-110-060			
GA Plans – Level 07 / 18050 / DA-110-070			
GA Plans – Level 08 / 18050 / DA-110-080			
GA Plans – Level 09 / 18050 / DA-110-090			
GA Plans – Level 10-14 / 18050 / DA-110-100		02 DA	31/10/2020
GA Plans – Level 15 / 18050 / DA-110-150			
GA Plans – Level 16-20 / 18050 / DA-110-160			
GA Plans – Level 21 / 18050 / DA-110-210			
GA Plans – Level 22-23 / 18050 / DA-110-220			
GA Plans – Roof Level / 18050 / DA-110-240		01 DA	30/04/2020
GA Plans – Roof Level Plant / 18050 / DA-110-250			
GA Plans – Roof Level / 18050 / DA-110-260		02 DA	08/10/2020
Streetscape Elevations – North Elevation – McFarlane Street / 18050 / DA-210-001			
Streetscape Elevations – East Elevation – Pitt Street / 18050 / DA-210-002			
GA Elevations – North Elevation – McFarlane Street / 18050 / DA-220-001			
GA Elevations – East Elevation – Pitt Street / 18050 / DA-220-002			
GA Elevations – South Elevation – Milne Lane / 18050 / DA-220-003			

GA Elevations – West Elevation – Reyes Lane / 18050 / DA-220-004			
GA Elevations – North Elevation – McFarlane Street / 18050 / DA-220-101			
GA Elevations – East Elevation – Pitt Street / 18050 / DA-220-102			
GA Elevations – South Elevation – Milne Lane / 18050 / DA-220-103			
GA Elevations – West Elevation – Reyes Lane / 18050 / DA-220-104			
GA Sections – Section 01 / 18050 / DA-310-001			
GA Sections – Section 02 / 18050 / DA-310-002			
Façade Sections – Section 01 – Social Corner 1 / 18050 / DA-320-001			
Façade Sections – Section 02 – McFarlane Street / 18050 / DA-320-002			
Façade Sections – Section 03 – Eat Street / 18050 / DA-320-003			
Façade Sections – Section 04 – Social Corner / 18050 / DA-320-004			
Façade Sections – Section 05 – EOT Facility / 18050 / DA-320-005			
Façade Sections – Section 06 – High Street Retail / 18050 / DA-320-006			
Façade Sections – Section 07 – Podium & RACF Level / 18050 / DA-320-007		01 DA	30/04/2020
Façade Sections – Section 08 – Typical Level / 18050 / DA-320-008			
Façade Sections – Section 09 – Vertical Garden / 18050 / DA-320-009			
Façade Sections – Section 10 – Rooftop Level / 18050 / DA-320-010		02 DA	08/10/2020
Detail Sections – Detailed Sections 01 / 18050 / DA-330-001			
Detail Sections – Detailed Sections 02 / 18050 / DA-330-002		01 DA	30/04/2020
Adaptable Layouts – Sheet 01 / 18050 / DA-810-001			
Adaptable Layouts – Sheet 02 / 18050 / DA-810-002			
Apartment Typologies – Apartment Size and Layout Sheet 01 / 18050 / DA-820-001			
Apartment Typologies – Apartment Size and Layout Sheet 02 / 18050 / DA-820-002			
RACF Room Typologies – RACF Bedroom Layout Sheet 01 / 18050 / DA-830-001			
Materials & Finishes Board – External / 18050 / DA-840-001			
Cover Sheet / SS20-4312 / 0000	Site Image	C	07/10/2020
Landscape Plan – Ground Level / SS20-4312 / 1001			
Landscape Plan – Level 1 / SS20-4312 / 1011			
Landscape Plan – Level 2 RACF / SS20-4312 / 1021			
Landscape Plan – Level 3 RACF / SS20-4312 / 1031			
Landscape Plan – Level 4 & 5 RACF / SS20-4312 / 1041			
Landscape Plan – Level 6 & 7 RACF / SS20-4312 / 1061			
Landscape Plan – Level 8 ILUs / SS20-4312 / 1081			
Landscape Plan – Level 9, 15 & 21 ILUs / SS20-4312 / 1091			
Landscape Plan – Roof Level / SS20-4312 / 1241			
Landscape Details / SS20-4312 / 5001			
Landscape Details / SS20-4312 / 5002			

Landscape Sections / SS20-4312 / 6001			
Indicative Plant List / SS20-4312 / 7001			
Cover Sheet / 18125 / C000	Webber Design	P3	24/04/2020
Civil Notes / 18125 / C001		P2	24/04/2020
Sediment and Erosion Control Plan / 18125 / C005			
Sediment and Erosion Control Typical Details / 18125 / C055		P4	07/10/2020
Basement 3 – Stormwater Drainage Plan / 18125 / C070			
Basement 2 – Stormwater Drainage Plan / 18125 / C080		P2	24/04/2020
Basement 1 – Stormwater Drainage Plan / 18125 / C090			
Ground Level – Stormwater Drainage Plan / 18125 / C100		P3	28/09/2020
Ground Level – Streetscape Works / 18125 / C150			
Mezzanine Floor – Stormwater Drainage Plan / 18125 / C200		P4	07/10/2020
Level 01 – Stormwater Drainage Plan / 18125 / C300			
Level 1 – Civil Sections / 18125 / C310		P2	24/04/2020
Typical Civil Details – Sheet 1 / 18125 / C400			
Typical Pavement Details – Sheet 1 / 18125 / C500			
Access Report / -	Morris Goding	Final	30/04/2020
Acoustic Report / TK519-01F02	Renzo Tonin & Associates	2	02/10/2020
BASIX Certificate / 1093490M	-	-	08/10/2020
Design Excellence Certificate / 002/2020	Cumberland Design Excellence Panel	-	12/08/2020
ESD Initiatives Statement / SYD12920	Hurley Palmer Flatt	-	17/03/2020
Fire Engineering Letter / -	PBC	-	05/05/2020
Geotechnical Investigation / 5046200053-G	Construction Sciences	Final	07/05/2020
Remedial Action Plan / 5046200053 / 10791EV.P55-R03d1		Final	27/11/2020
Section J Energy Efficiency Report / -	Certified Energy	Final	07/05/2020
Stage 1 Preliminary and Stage 2 Detailed Site Investigation / 5046200053-R01	Construction Sciences	Final	07/05/2020
Stormwater Management Plan Report / WD18125	Webber Design	2	24/04/2020
Transport Engineering Letter / N158561	GTA Consultants	-	08/10/2020
Transport Impact Assessment / N158561		A	29/04/2020
Waste Management Plan / -	MRA	3	28/04/2020
Pedestrian Wind Environment Statement / WF302-03F02	WindTech	1	01/05/2020

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

3. DAGCA05 - Construction within Boundary

All approved construction including but not limited to footings, walls and guttering shall be constructed wholly within the boundaries of the site, unless otherwise noted on the approved plans.

(Reason: To ensure compliance with approved plans)

4. DAGCA08 - 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.

(Reason: Information)

5. **DAGCA11 - No Approval for the Use of the Building/Tenancy**
No approval is given or implied for the use of the building/tenancy. Separate development consent is required for the use.

(Reason: Information)
6. **DAGCB01- 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)
7. **DAGCB03 - Lighting**
Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)
8. **DAGCB04 - Street Numbering of Lots and Units**
Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council. Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of property for emergency services and mail deliveries)
9. **DAGCB06 - 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)
10. **DAGCB07 - Tree Preservation**
All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)
11. **DAGCD02 - General standards for Warm Water and Cooling Water Systems**
All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2012, and relevant parts of AS 3666 Air handling and water systems of buildings – Microbial control.

(Reason: To ensure compliance with health standards for infection control)
12. **DAGCD06 - 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)
13. **DAGCD07 - 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)

14. DAGCZ01 – Endeavour Energy

The following Endeavour Energy conditions are applicable:

Asset Relocation

- (a) The application for an asset relocation / removal should be made to Endeavour Energy's Network Connections Branch who can be contacted via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm) by completing either of the following forms:
- FPJ7006 Technical Review Request where the asset relocation is proposed as part of an application for connection of load to a proposed development.
 - FPJ4015 Application for the Relocation / Removal of Electrical Network Assets.

Endeavour Energy's Network Connections Branch will make the applicant or their Accredited Service Provider (ASP) aware of Endeavour Energy's requirements for the release of easement. The certification of the electrical design does not constitute an agreement to release / variation of the easement and no works should be undertaken to decommission the existing infrastructure within the easement until the release / variation of the easement has been resolved and approved by Endeavour Energy.

In some circumstances the release of easement may be for nil compensation e.g. the affected land is subject to dedication as public road or as part of an asset relocation / capital works project where the alternative network arrangements occur at the same voltage and level of easement affectation. Otherwise the release will be subject to monetary compensation paid by the applicant having regard to the potential increase in value of the land as a result of the easement release / reduction in the extent of easement affectation (whilst also allowing appropriate consideration for the applicant's alternative network arrangements).

Network Capacity / Connection

- (b) From Endeavour Energy's perspective the fact that provision is being made for the replacement indoor substation is a positive. Endeavour Energy's general requirements is for an indoor substation to be at ground level and have direct access from a public street. Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' includes the following easement requirements for an indoor substation.

5.3.5 – Indoor Substations

The boundaries of an easement for indoor substation must be defined by the internal face of the walls, ceiling, floor, and cable trenches of the substation room.

An easement for the cables that enter and exit the substation room will also be required if they are not installed within public roads and/or existing Endeavour Energy easements.

A right of access may also be required to give Endeavour Energy employees, vehicles and equipment unrestricted access to the indoor substations at all times.

Generally, it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards, the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the replacement substation, prior to the release of the Construction Certificate / commencement of works.

Network Asset Design

- (c) Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development:

5.11 – Reticulation Policy

5.11.1 – Distribution Reticulation

In order to improve the reliability performance of and to reduce the operating expenditure

on the network over the long term, the company has adopted the strategy of requiring new lines to be either underground cables, or where overhead is permitted, to be predominately of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is approved and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased readability, as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed areas, as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.*

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practical to maintain a tree clearing envelope around the conductors.

** A "treed" area is one with a substantial number of trees adjacent to the line, in each span. In these situations, CCT is used to provide increased reliability as it is less susceptible to outages.*

5.11.1.1 – Urban Areas

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequences, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local Council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV / 22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations, except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

Earthing

- (d) The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.

Inadequate connection to the earth to allow a leaking / fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury. The earthing system is usually in the form of an earth electrode consisting of earth rods or mats buried in the ground. It should be designed by a suitably qualified electrical engineer / ASP following a site-specific risk assessment having regard to the potential number of people could be simultaneously exposed, ground resistivity etc.

The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory->

[requirements/asp-scheme-and-contestable-works.](#)

Easement Management / Network Access

- (e) The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the landowner:

- Not install or permit to be installed any buildings, structures or services within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easements. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Philip Wilson, on direct telephone 9853 7110 or alternately by email Philip.Wilson@endeavourenergy.com.au or easements@endeavourenergy.com.au.

As part of the construction management plan the applicant must satisfactorily address any impacts of the proposed works on padmount substation no. 5696 located on the site until it is decommissioned and replaced with the new indoor substation. In this regard the following issues should be considered and addressed by the applicant:

- Maintenance of the structural integrity / weather tightness of the substation cubicle.
- Access to the substation must be available 24/7/365 i.e.. all day, every day of the year and must not be impeded by temporary fencing, hoardings, the storage of materials etc. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.
- The electricity infrastructure may be impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.

Prudence Avoidance

- (f) The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage i.e.. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses e.g. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied e.g. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not

responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

A copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields>, and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps) and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances, not exceed the recommended magnetic field public exposure limits.

Endeavour Energy has noted the following in the Acoustic Report for Development Application and the possible acoustic treatments should also consider the proposed indoor substation on the site.

6.2 – Recommended Noise Control Measures for Mechanical Plant

Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the recommended NPfI noise emission criteria noted above.

Although at this stage, details of mechanical plant have not been finalised, the following in-principle advice is provided.

Acoustic assessment of mechanical services equipment will need to be undertaken during the detail design phase of the development, to ensure that they shall not either singularly, or in total, emit noise levels which exceed the noise limits in NPfI and Council's requirements.

Vegetation Management

- (g) The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant.

Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights, or result in the interruption of supply, may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Dial Before You Dig

- (h) Before commencing any underground activity, the applicant is required to obtain advice from the *Dial Before You Dig* 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

Removal of Electricity Supply

- (i) Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:
- The disconnection and removal of an underground service cable or overhead service line.

- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme, please refer to the above point 'Network Capacity / Connection'.

Demolition

- (j) Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected i.e. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site e.g. streetlight columns, power poles, overhead power lines and underground cables etc.

Excavation

The applicant is advised of Section 49A 'Excavation work affecting electricity works' of the of *Electricity Supply Act 1995* (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

With the increased number of developments incorporating basements often being constructed to (or close to) the property boundaries or immediately adjacent to easements, the integrity of the nearby electricity infrastructure can be placed at risk.

If any excavation work affects Endeavour Energy's electricity infrastructure, prior contact must be made to Endeavour Energy's Regional Services Central via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm or alternately email Regional.ServicesCentral@endeavourenergy.com.au.

Public Safety

- (k) Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>.

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

Emergency Contact

- (l) In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Endeavour Energy's contact details should be included in the any risk or safety management plan.

(Reason: To ensure compliance with Endeavour Energy conditions)

15. DAGCZ02 – NSW Police

The following NSW Police conditions are applicable:

Surveillance

- (a) The design of the front should be emphasized with windows and transparent materials to encourage good surveillance opportunities into and out of the premises.
- (b) Surveillance equipment can enhance the physical security of the development and assist in the identification of people involved in anti-social or criminal behaviour.
 - Cameras should be installed both within the around the business to maximise surveillance opportunities.
 - Cameras should monitor the main areas, both inside and outside the premises, especially areas with poor natural supervision.
 - TV monitors should enable staff to monitor activities on the camera.
 - It is strongly recommended that CCTV is installed within the building and surrounding grounds of the development. This should be recordable and capable of being saved for between 14 to 30 days depending on the size of recordable hard drive. Further information should be sort in relation to the placement or location of cameras as the present plans don't specify any details in relation to CCTV.

Lighting

- (c) A lighting maintenance policy needs to be established for the development.
- (d) Install security lighting in and around the premises, particularly over entry/exit points to create an even distribution of light with no glare, e.g. sensor lighting, floodlighting.

Note: Consider installing sensor lighting, which is cost effective as it only, activates when movement is detected within the zone.

- (e) It is recommended that further information be obtained regarding the use of lighting, both internally and externally to ensure lighting meets required standards to enhance surveillance opportunities during hours of darkness and the safety of residents. Specialist lighting experts should be contracted to assess suitable lighting patterns and placement within the proposed building and surrounding grounds.

Territorial Re-enforcement

- (f) There is no information to indicate signage, which might be used in and around the development. Confusion resulting from vague entry design can legitimize exploration, trespassing and excuse making by opportunistic criminals. Entries should be legible and inviting.
- (g) Signage also needs to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.
- (h) A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.
- (i) Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.
- (j) Signage indicating resident / community only areas should be considered to reduce inadvertent entry to members of the community and to remove plausible excuses.

Environmental Maintenance

- (k) As malicious damage (graffiti) is often an offence caused to such developments strong consideration must be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
- (l) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight-hour period.

Access Control

- (m) The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia.
- (n) The windows should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- (o) Windows can also be re-enforced to restrict unauthorized access by:
 - Applying a shatter resistant film.
 - Replacing the existing glass with laminated glass.
- (p) Further details should be obtained in relation to the safety and security of letter boxes at the location. At present there are minimal details within the report relating to where the letter boxes will be incorporated into the building. It is reasonable to allow the access for delivery to be easy and accessible however with the rise in mail theft, which has led to an increase in fraud related incidents, plans should include how the location will keep both the resident and their mail safe from other persons. This should include restricting access to the mail area, locking systems, CCTV in and around the mail area, or building a dedicated mail room at the entrance of the building.
- (q) Access control into the car parking areas of the building needs to be clarified if it is with swipe card or pin code access. Measures should be taken to ensure that residents from the earliest point ensure that the main doors to the garage areas remain closed, and signs are erected to remind residents to take all belongings with them and to lock their doors despite parking in a secure area. All car parking areas should be monitored by CCTV, to deter thefts from storage cages and vehicles.

(Reason: To ensure compliance with NSW Police conditions)

16. DAGCZ03 – Surface Runoff

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

(Reason: To prevent adverse impact on adjoining properties)

17. DAGCZ04 – Sediment Control

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

(Reason: To ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring)

18. DAGCZ05 – Service Relocation / Adjustment

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

(Reason: To protect utility services)

19. DAGCZ06 – Basement Drainage System

Basement drainage is to comply with the Holroyd Development Control Plan 2013. In this regard,

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

- (b) The two pumps proposed shall be designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- (c) A holding well shall be provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this, above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- (d) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- (e) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- (f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- (g) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: To prevent localised flooding)

20. DAGCZ07 – Roller Shutters

No roller shutters are to be erected either externally or internally to the commercial frontage. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

(Reason: To protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises)

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

21. DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

Note: This only applies to demolition work associated with an altered portion or an extension to an existing building and does not apply to demolition works prior to a new development/build, as demolition may occur prior to a Construction Certificate being issued.

(Reason; Statutory Requirement)

22. DAPDB02 - Demolition - General

Demolition – General

- (a) That two (2) 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.
 - 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

Asbestos to be removed by licensed asbestos removalist

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 where works involve demolition.

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.

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.

Notification of asbestos removal works

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 the commencement 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.
- The telephone number of WorkCover's Hotline 13 10 50.

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

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)

23. DAPDB03 - Demolition - Asbestos

Asbestos to be removed by a licensed asbestos removalist

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

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.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence 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.

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

24. DAPDB04 - 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)

25. DAPDB05 - Notification of Asbestos Removal Works

At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement 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.
- 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)

26. DAPDB06 - 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)

27. DAPDB07 - 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)

28. DAPDB08 - 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)

29. DAPDB09 - Tree Preservation

All street trees and trees on private property 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)

30. DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Plan must include but not be limited to the following:

- (a) Identification of any noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum.
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

31. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the certifier, with a copy provided to Council.

The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

(Reason: To ensure controls are in place for hazardous materials)

32. DAPDB13 - Sediment and Erosion Control Plan - Large sites

A site specific Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines for all construction, excavation and demotion phases of the development. All required erosion and sediment control measures at the site shall be installed and maintained in accordance with the site's Soil and Water Management plans for the duration of any demolition, excavation and construction works and in a way that minimises/prevents impacts on waterways. 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)

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

33. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to Council's Executive Manager Development and Building for approval, prior to the issue of a Construction Certificate, addressing the following matters:

- (a) The Frisia (Golden Robinia) trees designed to Reyes Lane shall be replaced with the native tree *Elaeocarpus eumundi* (Eumundi Quandong), from a 100L container.
- (b) The floor to ceiling heights of the first floor commercial level shall be maintained to 3.3 metres.
- (c) Thirty-two (32) commercial car parking spaces shall be designed to the development in accordance with the Holroyd Development Control Plan 2013. The parking spaces shall be made up of the sixteen (16) commercial car parking spaces identified within the endorsed architectural plans, and the additional sixteen (16) car parking spaces from the Interdependent Living Units (ILUs) car parking spaces identified within the endorsed architectural plans.
- (d) Bicycle parking spaces shall be provided in accordance with the Holroyd Development Control Plan 2013.

- (e) Adequate provision for lighting and ventilation shall be provided to the basement car park levels.
- (f) All street frontage windows associated with the commercial tenancies that are located at the ground level, are to be clear glazing.
- (g) Wind tunnel testing and an associated report shall be undertaken and prepared by an appropriately qualified person, which confirms the findings and recommendations of the Pedestrian Wind Environment Statement prepared by Windtech, Reference Number WF302-03F02, Revision 1, dated 1 May 2020.

Should the report confirm additional findings and recommendation beyond those outlined in the Pedestrian Wind Environment Statement prepared by Windtech, Reference Number WF302-03F02, Revision 1, dated 1 May 2020, the findings and recommendation shall be acted upon accordingly.

- (h) A Public Arts Plan for the development shall be developed to reflect the Merrylands Station and McFarlane Street Precinct.
- (i) Where awnings have been designed beyond the proposed property boundaries of Reyes Lane and Short Lane, the awnings shall be cut back to the alignment of the proposed property boundaries.
- (j) The following visual privacy mechanisms shall be installed as follows:
 - Level 02 – The south facing windows associated with the staff lunch / lounge, and staff training / resource lounge rooms shall be designed to have an opaque finish. The west facing windows associated with the administration area shall be designed to have an opaque finish. The west facing balcony areas associated with the common lounge / activities / chapel, physiotherapy, and staff / lunch / lounge, shall be designed to have an opaque finish to the proposed balustrading.
 - Levels 04 to 07 – The south facing balcony areas associated with Lounge 2, shall be designed to have an opaque finish to the proposed balustrading.
 - Level 08 – The south facing balcony (excluding the area which adjoins the southern garden), shall be designed to have an opaque finish to the proposed balustrading.

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

34. DAGCZ03 – Design Excellence Panel

Amended Plans/documentation shall be submitted to Council's Executive Manager Development and Building for approval, prior to the issue of a Construction Certificate, addressing the following Design Excellence Panel matters:

Landscape Areas

- (a) On Level 3, the configuration around the perimeter of the MSU walking circuit should be more dementia-friendly, with incorporation of softer organic edges, possible improvements to room privacy and inclusion of a range of memory triggers in landscape planting and location markers. Enhancement of the range of more private seating areas should also be included subject to visual security and safety provisions.
- (b) The communal open spaces could on occasion extend to the edge as opposed to always having a planted edge, thus allowing for a better variety of spaces and engagement with long views over the district.
- (c) The soil volumes and depths should be sufficient in providing the required growth potential needed to allow for the planting proposed, particularly the trees. The Apartment Design Guide minimums should be achieved in all locations.
- (d) With likely future impacts from climate change, a review of the planting schedule is required to ensure selected species are suitable for the relevant microclimatic conditions (e.g. primarily north vs south or west facing landscaped areas, or more exposed upper tower levels vs more protected lower podium levels) with adequate soil depth and protection.

- (e) A Plan of Management is required, which is required to address building landscaped areas that are to be accessed via private apartments for maintenance purposes (e.g. Apartment 15.02 on Level 15).

Public Domain

- (f) Urban art should be considered to the facade fronting Short Lane, which may be part of a broader initiative around the site perimeter.
- (g) There shall be allowance for robust, weather sensitive materials and detailing in the casual social 'bump' spaces at key locations.
- (h) Provision for a steeper 1:14 compliant ramp with handrails should be provided, to design out the need for steps on the Pitt Street entry. Further design resolution to be presented for consideration to provide an equitable entry to the Pitt Street address.

Communal Open Space

- (i) Further detail design input shall be provided into creating identifiable character variations both on different floors and zones around each floor, within the communal open space areas, to provide residents and staff clear visual cues on locations.
- (j) Additional small and intimate scale conversation nooks shall be introduced on RACF Levels 4-7 by introduction of wider sills to create window seats adjacent the planters at the ends of corridors.

Environmentally Sustainable Design (ESD)

- (k) The Environmentally Sustainable ESD principles (5-star green star accreditation or equivalent) must be achieved prior to the issue of the Occupation Certificate.

The variously spaced and angled triangular columns shall be a starting point for functional shading devices to the western façade.

Materiality

- (l) Further detail shall be provided on joint locations for the off form concrete. Inclusion of graffiti resistant application is recommended for all ground level areas.

(Reason: To ensure compliance with Council's Design Excellence Panel conditions)

35. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

36. DACCA03 - 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)

37. DACCA04 - Works within Boundary

No portion of the works are to encroach beyond the boundaries of the subject property unless otherwise noted on the approved plans. 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)

38. DACCB01 - 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)

39. DACCB02 - Payment of Bonds, Fees and Long Service Levy

The Principal 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)

40. DACCB04 - Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Cumberland Local Infrastructure Plan 2020, 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 Cumberland Local Infrastructure Contributions Plan 2020 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)

41. DACCB05 - Fees to be paid to Council prior to issue of the Construction Certificate

Damage Deposit	\$6,470.00
Section 7.12 Contributions	\$345,519.00 + CPI
Cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. (This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.)	\$6,290.00
Traffic Management Plan	\$211.50
Infrastructure Inspection	\$246.00
TOTAL	\$358,736.50 + 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)

NOTE: COVID-19 Response Measures: Infrastructure Contributions - Timing of Payment

A monetary contribution that is required to be paid under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided below.

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

The above does not prevent the entry into an arrangement with the Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the Cumberland Local Infrastructure Plan 2020.

(Reason: To comply with Ministerial Direction regarding the timing of Infrastructure Contributions during COVID-19 period)

42. DACCB06 - 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)

43. DACCC01 - 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)

44. DACCC02 - 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)

45. DACCC03 - Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent to 215, 229-239 Pitt Street, Merrylands, including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue of the Construction Certificate.

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer.
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate.
- (c) All Civil Engineering works adjacent to 215, 229-239 Pitt Street, Merrylands is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also, the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

Note: Driveway construction will require a separate approval vehicular crossing and road works.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

46. DACCC04 - 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)

47. DACCC05 - Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

(Reason: Safety & information)

48. DACCC06 - 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)

49. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited 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)

50. DACCE03 - Construction Traffic Management Plan (CTMP)

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 Construction Traffic Management Plan.

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)

51. DACCF02 - Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning

and plant replacement.

(Reason: Ensure landscape survival)

52. DACCF04 - On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650 mm for shrubs and trees and 300 mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's current Waterwise Policy. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

53. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

54. DACCG02 - Bicycle Storage Provision

Provision for bicycles shall be in accordance with the Holroyd Development Control Plan for Bicycle Parking and Storage Facilities. Details shall be submitted prior to the issue of the Construction Certificate.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Holroyd DCP 2013 rate)

55. DACCG05 - Off Street Car Parking - General

One hundred and thirty-two (132) off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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)

56. DACCG11 - Stop Signs

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

(Reason: Adequate access and egress)

57. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Amenity)

58. DACCI04- Site Cranes

Site Crane/s and hoist/s proposed within the boundary of the land being developed must comply with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts of these standards.

Cranes must not swing or hoist over any public place unless the principal contractor or owner builder have the relevant approval under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.

(Reason: Safety and statutory compliance)

59. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "On-site Stormwater Detention Policy" and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

60. DACCJ04 - Construction or Redirection of a Stormwater Drainage System

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of an overland flow path, pit, pipeline of a specific size, material and location, approved by Council.

Where consent is granted for the changes to a drainage line or system, Engineering Plans in accordance with Council's "On-site Stormwater Detention Policy" shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Protection of existing drainage infrastructure)

61. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:

- (a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- (b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.
- (c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- (d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises)

62. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development

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

(Reason: To ensure the support for neighbouring buildings)

63. DACCK01 - 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 properties, Council and the Principal 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.

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)

64. DACCK05 - 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 Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: Ensure appropriate construction methods are used)

65. DACCK06 - 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 any Construction Certificate application.

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

66. DACCK07 - 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 Accredited Certifier.

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

67. DACCL01 - Electricity Substation

Documentary evidence of compliance with the relevant energy authority's requirements is to be provided to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: Access to utility)

68. DACCL02 - Telecommunications

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 Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

(Reason: Ensure services are not disturbed)

69. DACCL04- Residential Car Wash Bay

A car wash bay is to be provided on the premises for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

Details are to be submitted to the Principal Certifier with the Construction Certificate.

(Reason: To protect the environment)

70. DACCL05- Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved Acoustic Report prepared by Renzo Tonin & Associates, Reference Number TK519-01F02, Revision 2, dated 2 October 2020.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

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

71. DACCL08 – Waste Storage Facilities and Management Strategy (Mixed Use Development)

Designated waste and recyclable storage facilities must be provided within the premises in accordance with the following requirements:

- (a) The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- (b) The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material;
- (c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- (d) A hot and cold hose cock shall be provided within the room;
- (e) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each. A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms; site collection approach including any required waste/recycling collection bays must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained and able to be easily collected)

72. DACCM03 - 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 Principal 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)

73. DACCZ01 – Public Domain Works

Prior to issue of any construction certificate, a detail design for public domain design shall be submitted to and approved by Council's Manager Engineering and Traffic. In this regard:

- (a) The ambulance parking shall be located entirely within the subject site.
- (b) A minimum 1.5m wide footpath shall be provided behind the ambulance bay to maintain the continuation of the footpath along Reyes Lane.
- (c) A minimum 1.5m wide footpath access shall be provided along Short Lane.
- (d) Proposed right of way for the public access of footpath shall be annotated on the plan.
- (e) Door openings in Short Lane and Reyes Lane shall be located within the building and shall be clear of pedestrian pathway.
- (f) Door openings in McFarlane Street shall be located within subject site.
- (g) Awnings along Reyes Lane and Short Lane shall be located within the site boundary.
- (h) All the necessary dimensions shall be marked on the plans.
- (i) The detail design of roads including kerb & gutter and footpath, setting out plans, signposting and design contour plans and street lighting plans shall be submitted for assessment.
- (j) The construction methodology and construction programme shall be submitted.
- (k) Signposting and line marking plans shall be submitted to and approved by Council's Local Traffic Committee.
- (l) Written approval from relevant authorities shall be obtained for the street lighting upgrade and other required service adjustments.
- (m) All the dimensions shall be marked on the plans.
- (n) All the costs shall be borne by the applicant.

(Reason: To ensure Council's assets are designed to Council's requirements)

74. DACCZ02 – Right of Way

A Right of Way for public access shall be created over the footpath areas designed to Reyes Lane and Short Lane, as per the endorsed plans. In this regard:

- a) A detailed plan showing the Right of Way shall be submitted to and approved by Council's Manager Engineering and Traffic.

(Reason: To ensure the necessary right of way is provided in the design)

75. DACCZ03 - Flooding

Prior to issue of any construction certificate, a detail design for public domain design shall be submitted to and approved by the Council's Manager Engineering and Traffic. In this regard:

- (a) A flood impact report shall be submitted to ensure that the proposed development will not have adverse impact on adjoining site and/or flood levels.
- (b) Flood modelling shall be submitted as part of the proposal in order to ensure the proposed development will not have adverse impact on flood levels and adjoining sites. A flood model shall be calibrated to Council's flood levels.
- (c) An electronic copy of the modelling shall be submitted.
- (d) Supporting documents shall be prepared in order to ensure that the development complies with the controls in Table 8 of Part A, Section 8.0 of the Holroyd Development Control Plan 2013.
- (e) A notation on the plans shall be provided ensuring that 'All electrical switchboards, electrical signs/connections and power points shall be built 0.5m above the 1%AEP flood level' for all the ground floor areas including loading bay areas.

- (f) A notation on the plans shall be provided ensuring that all fixed materials (i.e. flooring, glazing etc.) below the flood planning level shall be built with flood compatible materials in accordance with Council's requirements.

(Reason: To ensure development complies with flood advice letter and the Holroyd DCP 2013)

76. DACCZ04 – Parking Layout Design – Commercial / Retail

Amended plans addressing following shall be submitted to and approved by Council's Executive Manager Development and Building:

- (a) Minimum parking 32 retail/commercial parking spaces shall be provided.
- (b) Width of the retail/commercial parking spaces shall be minimum 2.5m.

(Reason: To ensure parking spaces for commercial / retail area comply with the Holroyd DCP 2013, and Australian Standard AS2890.1)

77. DACCZ05 – Hydraulic Engineering Design Certificate

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

- (a) Construction certificate plans comply with approved Flood Study Report.
- (b) The development has no adverse impact on flood levels and/or adjoining properties.

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

(Reason: To ensure construction plans comply with the flood report)

78. DACCZ06 – Amended Drainage Plans

Prior to issue of any construction certificate, amended architectural and drainage plans addressing the following shall be submitted to and approved by Council's Executive Manager Development and Building:

- (a) The design shall comply with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook", Council's Development Engineering Design Guidelines and Council's On-Site Detention Policy.
- (b) Detail OSD calculations shall be submitted.
- (c) OSD access openings shall be provided on top of OSD tank. All the OSD access openings shall be 900x900 in size with double (2/900x450) hinged grates.
- (d) Maximum spacing between the OSD access grates shall be limited to 6.0m.
- (e) Grated drains shall be provided directly behind the flap as per Council's standard drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.
- (f) An emergency overflow pipe shall be incorporated in the OSD design.
- (g) Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- (h) Above ground storage shall be provided in the basement pump out tank design. Detail calculations shall be submitted.

(Reason: To ensure stormwater disposal complies with the Holroyd DCP 2013 and Upper Parramatta River Catchment Trust "On-Site Detention Handbook")

79. DACCZ07 – Stormwater Disposal

Stormwater runoff generated from the development shall be directed to the On-site Stormwater Detention system prior to being discharged by gravity system as per approved plans. In this regard:

- (a) The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved under the above condition.
- (b) The development has been identified as requiring an On-site Stormwater Detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third edition), and Council's On-Site Detention Policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
 - i) A grated pit shall be provided behind the flap at the return pipe.
 - ii) An emergency Overflow pipe shall be incorporated in the OSD design.
 - iii) A dry platform shall be clearly shown on the plan.
 - iv) The discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
 - v) Grated drains shall be provided directly behind the flap as per Council's standard drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.

(Reason: To prevent localised flooding)

80. DACCZ08 – On Street Drainage Construction

Prior to the commencement of any drainage works the street drainage works associated with the connection to Council's stormwater system and any changes to the street drainage system as part of the public domain works within Reyes Lane and Short Lane, shall be completed to Council's satisfaction at no cost to Council. In this regard:

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

(Reason: To ensure Council's assets are constructed to Council's requirements)

81. DACCZ09 – Parking Layout

The parking layout shall comply with Australian standard AS2890.1 and AS2890.6. In this regard a detailed plan showing all necessary dimensions shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

A copy of the approved plan shall be submitted to Council.

(Reason: To ensure parking layouts comply with AS2890.1 – 2004)

82. DACCZ10 – Minimum Headroom – Adaptable Parking Spaces

The headroom clearances directly above the proposed accessible parking spaces and associated shared areas shall be minimum 2500mm to comply with AS2890.6 requirements. Headroom shall be measured clear of any beams and service ducts.

Section plans demonstrating compliance with the above headroom requirements, identifying all beams and service ducts shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure headroom complies with AS2890.1 - 2004)

83. DACCZ11 – Ramp Gradients

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

A copy of the approved plan shall be submitted to Council.

(Reason: To ensure the access ramp complies with AS2890.1 - 2004)

84. DACCZ12 – Headroom Clearance

The headroom clearance shall comply with Section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890.1:2004, the minimum 2.2m headroom clearance shall be provided.

(Reason: To ensure the access ramps comply with AS2890.1 - 2004)

85. DACCZ13 – Housing for Seniors or People with a Disability

The following detail shall be submitted to the Certifying Authority, for approval, prior to the issue of a Construction Certificate:

- (a) The proposed development must include a fire sprinkler system.
- (b) Pathway lighting:
 - i) Must be designed and located to avoid glare for pedestrians and adjacent dwellings, and
 - ii) Must provide at least 20 lux at ground level.
- (c) Letterboxes:
 - i) Must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
 - ii) Must be lockable, and
 - iii) Must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.
- (d) Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with Clauses 4.3.1 and 4.3.2 of AS 4299.
- (e) Internal doorways must have a minimum clear opening that complies with AS 1428.1. Internal corridors must have a minimum unobstructed width of 1,000 millimetres. Circulation space at approaches to internal doorways must comply with AS 1428.1.
- (f) At least one bedroom within each dwelling must have:
 - i) An area sufficient to accommodate a wardrobe and a bed sized as follows:
 - In the case of a self-contained dwelling—a queen-size bed, and
 - ii) A clear area for the bed of at least:
 - 1,200 millimetres wide at the foot of the bed, and

- 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
 - iii) 2 double general power outlets on the wall where the head of the bed is likely to be, and
 - iv) At least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
 - v) A telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
 - vi) Wiring to allow a potential illumination level of at least 300 lux.
- (g) At least one bathroom within each dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:
- i) A slip-resistant floor surface, and
 - ii) A washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1, and
 - iii) A shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
 - A grab rail,
 - Portable shower head,
 - Folding seat,
- Note:** This does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.
- iv) A wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - v) A double general power outlet beside the mirror.
- (h) A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.
- (i) Balconies and external paved areas must have slip-resistant surfaces. Advice regarding finishes may be obtained from AS 1428.1.
- (j) Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.
- (k) Switches and power points must be provided in accordance with AS 4299.
- (l) A living room in a self-contained dwelling must have:
- i) A circulation space in accordance with clause 4.7.1 of AS 4299, and
 - ii) A telephone adjacent to a general power outlet.

A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

- (m) A kitchen in a self-contained dwelling must have:
- i) A circulation space in accordance with clause 4.5.2 of AS 4299, and
 - ii) A circulation space at door approaches that complies with AS 1428.1, and
 - iii) The following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
 - Benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
 - A tap set (see clause 4.5.6),
 - Cooktops (see clause 4.5.7), except that an isolating switch must be included,
 - An oven (see clause 4.5.8), and
 - iv) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
 - v) General power outlets:
 - At least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - One of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

- (n) Lift access must be provided to dwellings above the ground level of the building/s by way of a lift complying with clause E3.6 of the *Building Code of Australia*.
- (o) A self-contained dwelling must have a laundry that has:
 - i) A circulation space at door approaches that complies with AS 1428.1, and
 - ii) Provision for the installation of an automatic washing machine and a clothes dryer, and
 - iii) A clear space in front of appliances of at least 1,300 millimetres, and
 - iv) A slip-resistant floor surface, and
 - v) An accessible path of travel to any clothesline provided in relation to the dwelling.
- (p) A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.
- (q) A garbage storage area must be provided in an accessible location.

86. DACCZ14 – Infrastructure Fee

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

(Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development)

87. DACCZ15 – SEPP 65 - Design Verification

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

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

(Reason: Statutory requirements)

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

88. DAPCA01 - 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 a 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

- (c) 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.

(Reason: Statutory requirements)

DAPCA03 - 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)

89. DAPCA04 - 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)

90. DAPCA05 - 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)

91. DAPCA06 - 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.
- (d) Have a receptacle for, and supply of, deodorising fluid.

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

92. DAPCA07 - 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)

93. DAPCC01 - Salinity

The applicant must advise the relevant public utility authorities of the salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations.

(Reason: To ensure utility authorities design relevant utilities in consideration of the saline soils)

94. DAPCC02 - Dewatering (groundwater/water table)

If groundwater is encountered or expected to be encountered during excavation works, the following actions must be taken prior to the commencement of any dewatering activities on site:

- (a) Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request.
- (b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:
 - i) State why de-watering is necessary and confirm any required approvals;
 - ii) Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
 - iii) Detail the proposed de-watering technique;
 - iv) Outline anticipated dewatering flow rate and total dewatering duration;
 - v) Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to ensure compliance with conditions of approval and requirements of the Protection of the Environment Operations Act 1997;
 - vi) Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;
 - vii) Records are to be kept on site at all times and be available to the appropriate regulatory authority upon request;
 - viii) Provide a contingency plan in case of emergency situation;
 - ix) Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;
 - x) State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
 - xi) State that the water quality monitoring will be self-certified by an experienced water quality expert.
 - xii) State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

95. DAPCZ01 – On Street Drainage Design

Prior to issue of any construction certificate, a detailed design for the proposed connection to the existing Council's stormwater pipe shall be submitted and approved by the Council's Manager Engineering and Traffic. In this regard:

- (a) A Longitudinal section shall be submitted of the proposed stormwater outlet within the Council

controlled land, showing the depth and location of all the services within the area of the proposed works.

- (b) The exact depth of the outlet pipe in the exiting pit shall be annotated on the plan.

(Reason: To ensure the design is clear of services and connection to Council's stormwater is designed to Council's requirements)

96. DAPCZ03 – Protection of Footpath Paving, Kerb and Gutter

Protection must be provided for Council footpath paving, kerb and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

(Reason: To ensure protection of public asset)

97. DAPCZ04 - Alterations / Removal of Services

The applicant is 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.

(Reason: Public utility authority requirement)

Conditions which must be satisfied during any development work

98. DADWA01 - 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)

99. DADWA02 - Dust Control - Minor Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Cumberland City Council should it fail to adequately control any dust nuisance.

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

100. DADWA03 - 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)

101. DADWA05 - 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)

102. DADWA06 - Stamped Plans

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

103. DADWA07 - 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) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) 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.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) 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.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) 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.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) 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.
- (l) 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.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) 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.
- (o) 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.
- (p) 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.)

104. DADWA09 - Power Connection - Major Development

All power connection to the development shall be installed underground for all major development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter)

105. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

106. DADWA12 - Compliance with the Demolition, Excavation and Construction Noise and Vibration 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 Demolition, Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

107. DADWA14 - 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 also 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)

108. DADWA13 - Compliance with Hazardous Materials Survey Report

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with. Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

(Reason: To ensure controls are in place for hazardous materials)

109. DADWA14 - 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 also 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)

110. DADWA15- 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)

111. DADWA17 - Notification of New Contamination Evidence

- (a) 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.
- (b) 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 new 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.
- (c) 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)

112. DADWA18 – Decommissioning/ Removal of Underground Storage Tanks

Decommissioning and any removal of underground storage tanks are to be supervised by a 'Duly Qualified Person' as defined by the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 ('Regulations') in accordance with the legislation and any relevant EPA Guidelines, standards, plans and policies. If a storage system is decommissioned/removed, the person responsible must ensure that a report for the storage site (prepared in accordance with the Regulations) is submitted to Council and, in the case that remedial works are required a Validation Report also be submitted, to the satisfaction of Council within 60 days of the completion of the decommissioning/remediation works. Any documentation relating to the decommissioning must be kept for 7 years.

(Reason: To ensure compliance with statutory requirements)

113. DADWA19 - Excavation Pump-out (surface water)

Water that has accumulated in any excavation is not to be pumped or discharged into any stormwater system unless the written approval of Cumberland City Council or the Private Certifier responsible for the work is obtained prior to commencement of the pump out activities. The following details must be outlined in any application to Council/Certifier for discharge to stormwater:

- (a) Identification of the suitably qualified environmental scientist who will carry out water quality testing for the activity.
- (b) Confirmation that the analytical results of any discharge will comply with relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA.
 - i) Note: Water that does not comply with the above standards must not be discharged to the stormwater system, and shall be disposed of using alternative approved means (other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility).
- (c) Details on the measures and techniques to monitor and record compliance with the above water quality criteria.
- (d) Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge.

Water quality monitoring records are to be kept on site at all times and be available to the appropriate regulatory authority upon request.

(Reason: To minimise/prevent impacts on nearby waterways)

114. DADWA20 - 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)

115. DADWA22 - Dust Control – Major Works

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)

116. DADWB02 - 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)

117. DADWC01 - Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

(Reason: Protection of infrastructure, safety & information)

118. DADWC02 - 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)

119. DADWC03 - Progress Survey - Major Development (greater than two stories)

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Accredited 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 reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

120. DADWC05 - Salinity

The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the Accredited 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)

121. DADWC06- Air Conditioning Units - Location

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)

122. DADWC07 - Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

(Reason: To ensure that switchboards and service panels are appropriately located)

123. DADWC08 - Anti-Graffiti Coatings

The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

124. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use (or change of use where an existing building) 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)

125. DAOCA02 - 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)

126. DAOCA03 - 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).

127. DAOCA04 - Engineers Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Accredited Certifier. This certificate 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 standards/codes.

(Reason: Structural certification)

128. DAOCA05 - Height

The maximum height of the proposed development shall be 110.800mAH. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the LEP height of buildings development standard)

129. DAOCA06- Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that all Independent Living have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(Reason: To ensure the units are constructed in accordance with the required level of adaptability).

130. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Accredited Certifier.

- (a) A Certificate from a Chartered 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:

- (a) the stormwater drainage system, and/or
- (b) the car parking arrangement and area including circulating ramps, and/or
- (c) any related footpath works, and/or
- (d) the basement mechanical pump and well system, and/or
- (e) the proposed driveway and layback, and/or
- (f) 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)

131. DAOCA10 - 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)

132. 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 footpath along the full frontage of the site, and/or
- (b) Reconstruct existing public drainage pit/pipe system, and/or
- (c) Construct a new vehicular crossing, and/or
- (d) Remove any redundant vehicular crossings and replace with kerb and 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)

133. DAOCA12- Construction of Concrete Footpath

A full width concrete footpath shall be constructed adjacent to the front and side of the property, as per Council's requirements, at no cost to Council.

Footpath surface treatment and paving details shall comply with the relevant Council's standards for town centres. Details shall be obtained from Council's Manager Engineering and Traffic.

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)

134. DAOCB01 - 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)

135. DAOCB03 - Installation requirements for Water Cooling Systems

Prior to issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the cooling water system is:

- (a) Installed in accordance with AS/NZS 3666.1:2011 with a certificate from the installer;
- (b) All drainage and liquid discharges are to be discharged into a wastewater system (Note: discharge to stormwater is not permitted).
- (c) All chemicals associated with the water cooling system are stored in a suitable covered location which will not impact on stormwater systems.
- (d) Is notified to Council.

(Reason: To ensure compliance with health standards for infection control)

136. DAOCB04 - Acoustic Verification Report

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- (a) All recommendations contained in the approved Acoustic Report prepared by Renzo Tonin & Associates, Reference Number TK519-01F02, Revision 2, dated 2 October 2020 have been implemented, and
- (b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To protect residential amenity)

137. DAOCB05 - Site Remediation and Validation

- (a) The site must be remediated and validated in accordance with the approved Remediation Action Plan (RAP) prepared by Construction Sciences, Reference Number 10791EV.P55-R03d1 / 5046200053, dated 27 November 2020. If any variations need to be made to the approved RAP, these must be approved by a suitably qualified environmental consultant, and a copy of the amended RAP must be provided to the PCA and Cumberland Council, prior to commencement of any such works. Where the variation alters the approved development consent plans, appropriate prior approval from Cumberland Council must be sought for the changes.
- (b) Prior to the issue of any Occupation Certificate
 - i) A Validation Report is to be prepared by a suitably qualified environmental consultant in accordance with the Contaminated Land Management Act 1997 and any relevant guidelines endorsed by the NSW EPA. The report is to satisfactorily document the following:
 - The extent of validation sampling, and the results of the validation testing;
 - That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan prepared by dated reference
 - That the site is suitable for the proposed use.
 - ii) A copy of the Validation Report must be submitted to the PCA and to Cumberland Council.
- (c) If site suitability is contingent on implementation and compliance with a long term environmental management plan (EMP) with respect to management of residual contamination on site, then:

- i) A copy of this EMP must be submitted to Cumberland Council along with the Validation Report, prior to issue of any Occupation Certificate; and
- ii) The owner of the land is required to comply with all ongoing obligations of the EMP.

(Reason: To ensure controls are in place for contamination management in accordance with SEPP55 – Remediation of Land)

138. DAOCD01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- (a) Forwarded to Cumberland City Council;
- (b) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- (c) Prominently displayed in the building.

(Reason: Fire safety)

139. DAOCE01- Covenant - Housing for Seniors or People with a Disability

Prior to occupation of the premises, a restriction as to user shall be registered against the property in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of accommodation to:

- (a) Seniors within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (b) People who have a disability within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (c) People who live within the same household with seniors or people who have a disability.
- (d) Staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(Reason: Compliance)

140. DAOCF01 - Landscape

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)

141. DAOCH02 - Covenant & Restriction as to User for Stormwater Controlled Systems

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 stormwater System. This is to include the on-site stormwater detention system

(OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/mechanical pump-out system/ charged lines, which are related to the OSD system.

Easement Registration

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of minimum width 1.25m (or as specified by Council), over the proposed stormwater drainage line or service concurrently with any subdivision registration. Typical wording can be obtained from Council.

(Reason: Compliance and adequate maintenance of drainage system)

142. DAOCH03 - 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)

143. DAOCH04 - 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)

144. DAOCH11 - Road Widening

Council requires the dedication of a strip of land 1m wide for road widening purposes along the frontages of the site on Reyes Lane and Short Lane prior to the issue of the Occupation Certificate. The construction of the widened road pavement, kerb and gutter and footpaving shall be at the full cost of the developer. This road-widening strip shall be indicated on the linen plans.

(Reason: To ensure that land required for road widening purposes is dedicated to Council)

145. DAOCZ01 – Structural Engineering Certificate

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

(Reason: To ensure the construction is structurally adequate)

146. DAOCZ02 – Hydraulic Engineering Construction Certificate

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

- (a) Development complies with approved Flood Study Report.
- (b) The development has no adverse impact on flood levels and/or adjoining properties.

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

(Reason: To ensure construction complies with the flood report)

147. DAOCZ03 – Maintenance Schedule - OSD

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

(Reason: To ensure the On-site Detention Facility is in good working order)

148. DAOCZ04 – Right of Way Registration

Right of way shall be created for the public access as per the approved plans. In this regard:

- (a) The documents shall be submitted to and endorsed by Council's Manager Engineering and Traffic prior to lodgement at the NSW Land and Registry Services (LRS).
- (b) A right of way shall be created at no cost to Council.
- (c) A registered copy of the right of way shall be submitted to and approved by Council's Manager Engineering and Traffic

(Reason: To ensure a necessary right of way is created for the pedestrian access to Council's satisfaction)

149. DAOCZ05 – Loading Dock Management Plan

A Loading Dock Management Plan shall be prepared for the Loading dock operation. The plan shall address but not be limited to the following:

- (a) Convex mirrors shall be provided within the site to improve the sight distance.
- (b) Qualified traffic controller(s) shall be on duty during the entry/exit manoeuvring of trucks to ensure safety is maintained.
- (c) Deliver times.
- (d) Number of trucks.
- (e) Access arrangement.
- (f) Transportation between loading areas and shops, supermarket and units.

Operational management plan shall be prepared by suitably qualified person. The management plan shall also incorporate all the above matters. The Operational Management Plan shall be endorsed by suitably qualified traffic engineer.

The Operational Management Plan shall be submitted to and approved by Principal Certifying Authority.

A copy of the plan shall be submitted to Cumberland City Council.

(Reason: To minimise any adverse impact on public land during the truck manoeuvrings)

Conditions which must be satisfied during the ongoing use of the development

150. DAOUA01 - Clinical Waste

All clinical waste must comply with the following:

- (a) Suitably constructed waste disposal containers with securely fitting lids must be kept on the premises for the storage of any clinical waste prior to final disposal of the material at a facility approved by the NSW EPA.
- (b) A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and their contact details produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

(Reason: To ensure control of clinical waste)

151. DAOUA02 - Sharps Waste Disposal

The premises must be equipped with a sharps waste container, which complies with AS 4031:1992 Non-reusable containers for the collection of sharp medical items used in health care areas. Sharps waste must be disposed of to a facility that is licensed to receive sharps waste.

(Reason: To ensure safe disposal of sharps waste)

152. DAOUA08 - 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)

153. DAOUA09 - Business/Trade Commercial Waste Collection

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables)

154. DAOUA10 - Removal of Litter and Graffiti

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

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

(Reason: To maintain a satisfactory level of amenity in the locality)

155. DAOUA11 - Flashing Lights

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

(Reason: Environmental protection)

156. DAOUA20 - Loading

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

157. DAOUB01 - Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:

(a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and

(b) Prominently displayed in the building.

(Reason: Fire safety)

158. DAOUC02 - Control of Litter

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers and remains of goods or items, which might reasonably be assumed, were purchased at the subject premises, the shopkeeper must comply with any direction of Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

159. DAOUC03 - Microbial Control

The installation and ongoing operation of the water-cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- (a) Public Health Act 2010 and Public Health Regulation 2012.
- (b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control.
- (c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety)

160. DAOUC04 – Air Emissions

The use of the premises shall not give rise to air pollution or and an odour nuisance as defined by the Protection of the Environment Operations Act 1997 and waste gases shall not be hazardous or harmful to human health or the environment.

(Reason: To protect human health and the environment)

161. DAOUC11 - Cooling Water System

Risk Assessment Required:

- (a) A risk assessment of all cooling water systems installed at the premises must be undertaken by, or under the supervision of, a competent person before the system commences operating. The assessment must be undertaken in accordance with the requirements of the Public Health Act 2010, Public Health Regulation 2012, AS 3666 Air handling and water systems of buildings – Microbial control, and any relevant guidelines published by NSW Health.
- (b) The risk assessment must be in the form approved by NSW Health, and a copy of the Risk Management Plan Certificate must be submitted to Council along with the registration form within 7 days of receipt by the occupier

(Reason: To ensure controls are in place for infection control)

162. DAOUC12 – Notification of Warm Water and Cooling Water Systems

Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with the Public Health Act 2010. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: To ensure premises are notified to Council)

163. DAOUC14 - 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)

164. DAOUC15 - Noise from Operation of Air Conditioning Unit at Residential Dwelling

Noise emitted by the air conditioning unit 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)

165. DAOUC18 - No speakers or Amplified Sound Equipment Outside

Speakers and/or noise amplification equipment must not be installed, and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

166. DAOUC19- 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)

167. DAOUC22 - Car Wash Residential

Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The car wash bay shall be managed and maintained so that the following requirements are met:

- (a) The Owners Corporation or building owner should advise all users of the car wash facilities, how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
- (b) Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

(Reason: To protect the environment)

168. DAOUC23 - Compliance with Acoustic Report –

All recommendations contained in the Acoustic Report prepared by Renzo Tonin & Associates, Reference Number TK519-01F02, Revision 2, dated 2 October 2020 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.)

169. DAOUD02- 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)

170. DAOUE03 - Parking

At least one hundred and thirty-two (132) car 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 occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

171. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

172. DAOUZ01 – 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:

- (a) All critical inspections shall be carried out by a qualified person.
- (b) A maintenance logbook shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- (c) All associated cost shall be borne by the owner.

(Reason: To ensure the Onsite Detention Facility is in good working order)

173. DAOUZ02 – Use of Ambulance Bay

The ambulance bay shall be used for drop-off and pick-up purposes only. Ambulance bay shall not be used for parking purposes.

In this regard appropriate signs shall also be provided within the site.

(Reason: To ensure the ambulance bay is used for its intended purpose only)

174. DAOUZ03 – Limit of the Delivery Trucks

Largest vehicles making deliveries to the commercial/retail premises shall be limited to Medium Rigid Vehicle (MRV) that is defined in Australian standard AS2890.2.

(Reason: To ensure delivery trucks use the approved loading area, and enter / exit the site in a forward direction)

175. DAOUZ04 – Loading Dock Management Operational Requirements

The approved operation management plan shall be in force all the time. The copy of the management plan shall be kept at the site all the time.

Copy of the plan shall be submitted to Cumberland City Council.

(Reason: To ensure the operational management plan is implemented)

Advisory Notes

176. **DAANN01 - 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.



177. **DAANN02 - 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>.

178. **DAANN03 - 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

179. **DAANN04 - Footway Lease - Business Use of Footpath**

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the Roads Act, 1993 prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the use of footpath and renewed annually.

180. **DAANN05 - Lapsing of Consent**

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses 5 years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within 5 years from the date this Development Consent operates.

181. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification until Council issues an amended consent.

182. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of 12 months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after 12 months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed timeframe including the statutory requirement for public notification. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for such a review.

183. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979, gives the applicant the right of appeal to the Land and Environment Court within 12 months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

184. DAANN11 - Signage Approval

A separate development application for any proposed external signs must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signage which is 'Exempt Development'.

185. DAANN12 - Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees 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. These fees 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.

186. DAANN13 - 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.

187. DAANN16 - 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)

188. DAANN17 - 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 Regulations.

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 Regulations 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)

189. DAANN19 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (d) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

190. DAANN20 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections;
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at

least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)