

## DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

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<b>Application No:</b>	DA2020/0415
<b>Applicant:</b>	Poly (NSW) Development Pty Ltd Australia Square Level 37 264 George Street SYDNEY NSW 2000
<b>Property Description:</b>	42-44 Dunmore Street & 13 Pritchard Street East WENTWORTHVILLE NSW 2145 Lot A DP 319230, Lot 11 DP 746514
<b>Development:</b>	Construction of a mixed use development comprising four basement car park levels, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 21 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure
<b>Determined by:</b>	SCCPP

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### CONDITIONS OF CONSENT Schedule 'A'

#### Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 5 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

2. **DADCZ01 – Public Domain Works**

Amended plans addressing the following for the public domain works on the area specified in 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) Voluntary Planning Agreement dated 9 June 2017 as "designated land" shall be submitted to and approved by **Cumberland City Council**. In this regard,

- a) OSD shall be clear of the designated land and stratum beneath the designated land.
- b) Finished floor level of designated land and floor areas shall be provided with minimum 100mm above the existing top of kerb level.
- c) Designated land finished floor level shall be consistent existing road/footpath profile levels (RLs in AHD) to be extended at the entry area of retail spaces facing Dunmore Street.
- d) Door openings shall be located within the building and shall be clear of public domain.

- e) Designated land public domain shall be designed to provide safer convenient public access. In this regard proposed sunken areas, stairs and other obstruction shall be removed and full width public access shall be provided.
- f) Lowest level of the stratum associated with the basement level shall be minimum 27.150m AHD. Basement piers and other structures shall not encroach on stratum for designated land.
- g) Minimum 1.25m clearance shall be provided within the easement for services.

(Reason: to comply with Council's adopted Public Domain Plans)

### 3. **DADCZ02 – Stormwater Management**

Amended plans addressing following shall be submitted to and approved by **Cumberland City Council**. In this regard,

- a) OSD system and stormwater treatment device shall be located outside the designated land and stratum beneath the designated land. OSD shall not be located within the floor areas.
- b) Detail longitudinal section of the high early discharge control pit showing return pipe, dry platform and flap shall be submitted.
- c) Grated access shall be provided behind the flap.
- d) All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- e) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the street enters into the basement. The crest shall be minimum 100mm above the adjacent top of kerb level. Crest shall be provided within the site.

(Reason: Adequate Stormwater Management)

### 4. **DADCZ03 – Traffic Management**

Amended plans addressing following shall be submitted to and approved by **Cumberland City Council**. In this regard,

- a) Left turn manoeuvring of the truck shall not encroach centre line. In this regard, detail swept path shall be submitted.
- b) All the adaptable/accessible parking spaces shall demonstrate compliance with Australian standard AS2890.6.

(Reason: to minimise traffic impact from the proposed development)

## **General Conditions**

### 5. **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)

### 6. **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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
<b><u>Architectural Plans</u></b>			
DA-00-0000 Rev C	Cover	PTW Architects	23/11/2020
DA-00-0001 Rev B	Site Plan	PTW Architects	23/10/2020
DA-10-0001 Rev B	Level B4 Plan	PTW Architects	23/10/2020
DA-10-0002 Rev B	Level B3 Plan	PTW Architects	23/10/2020
DA-10-0003 Rev B	Level B2 Plan	PTW Architects	23/10/2020

DA-10-0004 Rev B	Level B1 Plan	PTW Architects	23/10/2020
DA-10-0005 Rev B	Level Ground	PTW Architects	23/10/2020
DA-10-0006 Rev B	Level 01 Plan	PTW Architects	23/10/2020
DA-10-0007 Rev B	Level 02 Plan	PTW Architects	23/10/2020
DA-10-0008 Rev B	Level 03 Plan	PTW Architects	23/10/2020
DA-10-0009 Rev B	Level 04 Plan	PTW Architects	23/10/2020
DA-10-0010 Rev B	Level 05 Plan	PTW Architects	23/10/2020
DA-10-0011 Rev B	Level 06 Plan	PTW Architects	23/10/2020
DA-10-0012 Rev B	Level 07-08 Plan	PTW Architects	23/10/2020
DA-10-0013 Rev B	Level 09 Plan	PTW Architects	23/10/2020
DA-10-0014 Rev B	Level 10-18 Plan	PTW Architects	23/10/2020
DA-10-0015 Rev B	Level 19-20 Plan	PTW Architects	23/10/2020
DA-10-0016 Rev B	Level 21 Plan	PTW Architects	23/10/2020
DA-10-0017 Rev B	Level 22 Plan	PTW Architects	23/10/2020
DA-10-0018 Rev B	Combined Roof Plan	PTW Architects	23/10/2020
DA-10-0019 Rev B	Public Domain Plan	PTW Architects	23/10/2020
DA-20-0001 Rev B	North Elevation	PTW Architects	23/10/2020
DA-20-0002 Rev B	South Elevation	PTW Architects	23/10/2020
DA-20-0003 Rev B	East Elevation	PTW Architects	23/10/2020
DA-20-0004 Rev B	West Elevation	PTW Architects	23/10/2020
DA-20-0005 Rev B	Internal Plaza East Elevation	PTW Architects	23/10/2020
DA-20-0006 Rev B	Internal Plaza West Elevation	PTW Architects	23/10/2020
DA-30-0001 Rev B	Through Site Link Section	PTW Architects	23/10/2020
DA-30-0002 Rev B	Through Loading Dock Section	PTW Architects	23/10/2020
DA-50-1200 Rev B	Adaptable Units	PTW Architects	23/10/2020
DA-50-1201 Rev B	Livable Units	PTW Architects	23/10/2020
WA100 Rev D	Concept Plan - Supermarket	PTW Architects	8/10/2020
<b>Civil Engineering Works</b>			
CI-000-01 Rev C	Cover Sheet	Stantec	22/10/2020
CI-007-01 Rev C	General Notes	Stantec	22/10/2020
CI-070-01 Rev C	Erosion and Sediment Control Plan	Stantec	22/10/2020
CI-076-01 Rev C	Erosion and Sediment Control Notes and Details	Stantec	22/10/2020
CI-400-01 Rev C	Driveway Layout Plan	Stantec	22/10/2020
CI-402-01 Rev C	Driveway Long Sections	Stantec	22/10/2020
CI-520-01 Rev C	Stormwater Drainage Plan	Stantec	22/10/2020
CI-526-01 Rev C	Siteworks and Stormwater Drainage Details – Sheet 1	Stantec	22/10/2020
CI-526-02 Rev C	Stormwater Drainage Details – Sheet 2	Stantec	22/10/2020
<b>Landscape Plans</b>			
PR145403-1 Issue J	Landscape Design Report	RPS	13/10/2020
<b>Reports</b>			
SY192571-SEL01-2	BASIX Report	Northrop Consulting Engineers Pty Ltd	26/06/2020

1099168M	BASIX Certificate	Northrop Consulting Engineers Pty Ltd	26/06/2020
SY192571 Rev 2	Sustainability Strategy	Northrop Consulting Engineers Pty Ltd	14/05/2020
610.30021-R02 v1.0	Reflectivity and Glare Assessment	SLR	June 2020
E24880.E02_Rev0	Detailed Site Investigation	EI Australia Pty Ltd	12/11/2020
	Operational Waste Management Plan	TTM	25/06/2020
	Construction and Demolition Waste Management Plan	TTM	25/06/2020
	Design Report	PTW Architects	October 2020
11730 R01v2	Acoustic Report	PKA Acoustic Consulting	14/10/2020
610.30021-R03 Version 2	Environmental Wind Tunnel Study	LRS	June 2020
	Planning Agreement 42-44 Dunmore Street, Wentworthville (Wentworthville Mall)	Marsden Law Group	Dated 9/06/2017 and executed on 20/06/2017
	Correspondence and Conditions	Endeavour Energy	24/08/2020
	Correspondence and Conditions	NSW Police	25/08/2020
	Correspondence and Conditions	Transport for NSW	4/09/2020

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

**7. 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.

(Reason: To ensure compliance with approved plans)

**8. DAGCA07 - Separate Approvals**

Separate Development Approval shall be obtained for the future fit out and use of supermarket, commercial and retail premises on the subject site.

(Reason: To control the future development of the site)

**9. 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.

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

(Reason: Information)

**10. 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)

**11. 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)

**12. 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)

**13. DAGCB06 - Telecommunications/ TV Antennae**

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

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

**14. 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)

**15. DAGCD04 - Vehicle Washing**

- (a) Washing of vehicles must be conducted inside a roofed and bunded designated vehicle wash bay as indicated on the approved plans to exclude rainwater. This area is to be suitably designed and located to ensure all wastewater is appropriately discharged to the sewer, in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.
- (b) The means of disposal shall comply with:
  - i. EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)
  - ii. EPA's Managing Urban Stormwater: treatment techniques
- (c) The following requirements must be incorporated into the car wash bay design/operation:
  - i. Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
  - ii. Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
  - iii. Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.

Must not under any circumstances allow degreasing, engine washing or mechanical work to be undertaken in the vehicle wash bay, unless explicitly permitted under the trade waste agreement with Sydney Water.

(Reason: To protect the environment)

**16. 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)

**17. DAGCD07 - Waste Management**

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

(Reason: Compliance with approval)

**18. DAGCD08 - Future use of Mixed-Use Building for Commercial Tenancy**

The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and are capable of accommodating any exhaust/ventilation requirements for ground floor commercial units in particular food premises. In the event that a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary.

(Reason: To ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation)

**19. DAGCD09 - Plan of Management - Filtration & Odour Control Systems**

- a) A written Maintenance and Cleaning Plan of Management must be kept on the premises and be available to an officer of Council upon request. This plan must detail the methods and procedures required to maintain the filtration and odour control system(s) in accordance with manufacturer's specifications, in a clean condition, and in satisfactory working order. The maintenance and cleaning management plan must include the following:
  - i. What type of maintenance and cleaning procedures are to be followed, and at what frequency;
  - ii. Emergency maintenance and risk management associated with a failure in the system; and
  - iii. The contact person/s details for emergency maintenance;
- b) A service log that shows compliance with the written Maintenance and Cleaning Plan of Management in (a) above regarding the cleaning and maintenance of the filtration and odour control system(s) must be produced and completed accordingly when maintenance and servicing occurs. This service log must be kept updated and kept on the premises at all times and be available to an officer of Council upon request.
- c) All exhaust air treatment systems in use on the premises must be operated and maintained in accordance with the manufacturer's instructions and in accordance with the Plan of Management at all times.

(Reason: To ensure mechanical ventilation systems are maintained to effectively manage odours)

**20. DAGCZ01 – 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.)

**21. DAGCZ02 – Sediment Controls**

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.)

**22. DAGCZ03 – 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)

**23. DAGCZ04 – Basement Drainage System**

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

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the “off” position or if there is a break in electrical supply.
- iv) 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.
- v) 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.
- vi) 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.
- vii) 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.)

**24. DAGCZ05 – Land Contamination**

The recommendations in the Detailed Site investigation report prepared for the development prepared by EI Australia Pty Ltd with reference # E24880.E02\_Rev0 dated 12 November 2020, must be adhered to.

(Reason: To ensure safety on the site and environmental amenity)

**25. DAGCZ06 – Voluntary Planning Agreement (VPA)**

The developer shall comply in full with the matters as specified in 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) VPA dated 9 June 2017.

(Reason: To comply with the terms of the executed VPA)

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

**26. DACCA01 - Amendments to Approved Plans**

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- a) Recommendations, including the installation of vertical screens along the perimeter of the landscaped spaces as identified in the Environmental Wind Tunnel Study prepared by SLR version 2 dated June 2020 shall be shown on the plans.
- b) Recommendations, including items listed and targeted in the sustainability strategy report, reference SY192571 Rev 2 prepared by Northrop Consulting Engineers Pty Ltd dated 14 May 2020 have been incorporated in the development.
- c) All 2 and 3 bedroom apartments’ combined living area and dining rooms shall be provided with minimum internal width of 4m.
- d) All residential storage cages shall be provided with an area to accommodate a bicycle.
- e) Additional privacy measures, including deletion of part of balconies, installation of privacy screen and provision of high sill and angled windows, as marked in red on the plans shall

- be complied with.
- f) All plans, including architectural, stormwater and architectural, are to correspond with each other.
  - g) The following residential bins arrangement shall be able to be accommodated on the subject site.

Location	Numbers of garbage bin	Number of recycling bin
Building T1	7 x 1100 L bins 2 x 1100 L spare bins	4 x 1100 L bins 2 x 1100 L spare bins
Building T2	7 x 1100 L bins 2 x 1100 L spare bins	4 x 1100 L bins 2 x 1100 L spare bins
Building T3	2 x 1100 L bins 2 x 1100 L spare bins	1 x 1100 L bins 1 x 1100 L spare bins
Building T4	2 x 1100 L bins 2 x 1100 L spare bins	1 x 1100 L bins 1 x 1100 L spare bins

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

**27. 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)

**28. 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)

**29. DACCA04 - Works within Boundary**

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

(Reason: To ensure protection of adjoining properties)

**30. 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)

**31. 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)

**32. DACCB03 - Section 7.11 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure



Contributions Plan, 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 can be viewed on Council's website at [www.cumberland.nsw.gov.au](http://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)

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

Damage Deposit	\$6,470.00
Sect. 7.11 Contributions	\$7,146,641.00 + CPI
Bank Guarantee Security for the VPA (to be refunded at the conclusion of defects liability period)	\$1,525,850.00 + CPI
Defects Liability Bond for the VPA (to be refunded at the conclusion of defects liability period)	\$288,878.00 + CPI
Traffic Management Plan	\$250.00 initial fee
<b>TOTAL AMOUNT + CPI</b>	<b>\$8,968,089.00</b>

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 Contribution Plan 2020.

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

**34. 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)



**35. 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)

**36. 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)

**37. 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 42-44 Dunmore Street and 13 Pritchard Street East, Wentworthville, 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, and
- (c) All Civil Engineering works adjacent to 42-44 Dunmore Street and 13 Pritchard Street East are 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, and
- (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)

**38. 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 is proposed and/or required.

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

**39. 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)

**40. 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)

**41. DACCE01 - Public Access**

The public access generally as identified on the approved plans must be made available for the public and an appropriate restriction and easement benefitting Council must be created under Section 88E of the Conveyancing Act to the satisfaction of Council.

The easement must reserve the land for the purposes of landscaping, public recreation and access, and allow unrestricted public access to this area including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes.

Notices must be prominently displayed at each end of the path clearly indicating the availability of public access.

The public access area must be maintained to the satisfaction of Council by the proprietors of the land including lighting, upkeep and repair of paths, landscaping, furniture and the like, as well as fencing. Proprietors must hold an appropriate public liability insurance and indemnify Cumberland City Council.

No access paths or the like are permitted within this area from the adjoining private use portion of the land other than as shown on the approved plans. No gates or the like are permitted within or at either end of the public area.

(Reason: To facilitate ongoing public access to the identified portion of the site)

**42. 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)

**43. 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 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)

**44. 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)

**45. DACCF04 - On Slab Landscaping**

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)

**46. 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)

**47. DACCG02 - Bicycle Storage Provision**

Provision for bicycles shall be in accordance with the relevant Holroyd Development Control Plan 2013 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 DCP rate)

**48. DACCG03 - Off Street Car Parking - Multiple Use Buildings**

The following car parking and service vehicle requirements apply:-

- 808 car spaces shall be provided on the development site.

This shall comprise of:-

- 478 residential spaces (including 79 accessible spaces);
- 94 residential visitor spaces (including 7 accessible spaces); and
- 236 supermarket and commercial/retail premises spaces (including 9 accessible and 9 car share spaces).

All car spaces shall be allocated and marked according to this requirement.

If the development is to be strata subdivided, the car park layout must reflect the above allocation and be part of the entitlement of that strata lot.

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. All the adaptable/accessible parking spaces shall comply with Australian standard AS2890.6.

The parking bays shall be delineated by line marking.

Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents or commercial/business/retail premises located within the development.

The following traffic control measures shall be implemented on site:-

- a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate. Copy of the approved plan shall be submitted to Council.

(Reason: Parking and access)

**49. DACCH01 - Translucent Glazing for Privacy in Wet Areas**

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

(Reason: Amenity)

**50. DACCH04 - Privacy**

All of the residential private open spaces shall be provided with balustrade with translucent/obscure glass material. Details shall be included on the Construction Certificate plans submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity)

**51. DACCI03- Substation /Fire Hydrant Boosters**

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

(Reason: Streetscape amenity)

**52. 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)

**53. 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)

**54. 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)

**55. 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)

**56. 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 property/ies, 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.

Please note:

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

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

**57. 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)

**58. 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)

**59. 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)

**60. 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)



**61. DACCL02 - Telecommunications**

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

(Reason: Ensure services are not disturbed)

**62. DACCL03 - Adjustment to Telecommunications**

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

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

**63. 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)

**64. 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 PKA Acoustic Consulting (PKA) with reference 11730 R01v2 dated 14 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)

**65. DACCL06- Waste Storage Area**

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

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

A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

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

**66. 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)

**67. 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)

**68. DACCZ01 – Public Domain Works**

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

- a) 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.
- b) Construction methodology and construction programme shall be submitted.
- c) Signposting and line marking plans shall be submitted to and approved by Council's Local Traffic Committee.
- d) Written approval from relevant authorities' shall be obtained for the street lighting upgrade and other required service adjustments.
- e) All the dimensions shall be marked on the plans and all the costs shall be borne by the applicant.
- f) Details of paving and public artworks to be installed within the public domain plaza shall be submitted for approval.
- g) No permanent built structures including terraces are to be situated within the public open space dedicated to Council. Temporary planter boxes with maximum height of 450mm are required between the public and private open space. Maximum of one (1) metre height level change may be incorporated between Council dedicated land and the private open space with seatings to be relocated away from area facing onto Dunmore Street.
- h) Wentworthville Square shall be reconfigured, including the relocation of the grass area at the northern end at the major entry to the Mall to be set on a raised podium instead with raised planting beds or a hard paved surface.
- i) Minimum 1.8m clear unobstructed path of travel shall be provided next to the building line for people to access ground floor level shops. Temporary planter boxes shall delineate the outdoor dining from the path of travel as well as provide a clear access to the shop entrances.
- j) The proposed Jacaranda mimosifolia is to be replaced with an alternative tree species. All tree planting shall be installed in Strata cell units in accordance with Wentworthville Centre

Public Domain Plan for minimum of 20m<sup>3</sup> soil volume per pit and have a load bearing capacity to support maintenance and garbage trucks. - approx. 5T weight bearing load.

- k) Pedestrian lighting shall be provided in accordance with AS/NZ1158.1 and Multipole 168 Mini shall be provided within pedestrian plaza areas with LED lighting. Installation of all light poles in the public domain with footings and bolt assemblies must be buried below the finished pavement surfaces.
- l) Linear Park North design shall incorporate details of the Canopy cover identified over stair rises, details of awning over tree planting area including material, height and installation methods reduction in staircases with integrated seating, details change in levels from north to south, minimum 1.8m clear path of travel adjacent to the building facades, to remove all outdoor dining (Item No. 2) immediately adjacent to building façade and details of art/light (Item no. 5) over terraced areas.
- m) Southern Plaza Level 1 shall be provided with details of the awning Structures – materials and height above the landscape areas, a clear minimum 2.5m clear path of travel adjacent to the building facades, removal of all outdoor dining immediately adjacent to building façade, details of art/light (Item no. 5) over terraced areas, proposed terraced seats and platforms satisfactory to Council, to clarify what the white circles represent on the southern side of the terraced planting, and provide final levels at top and base of stairs exiting onto Pritchard Street.
- n) Additional furniture is required in accordance with Wentworthville Centre Public Domain Plan 2020, such as:
  - i. Dual Bin enclosures as per Cumberland City Council specifications shall be placed minimum 20 metre spacing within the public plaza area with one side of the panel to include laser cut design reflective of the local community aspirations.
  - ii. Bollards are to be installed maximum 600mm offset from back of kerb, including controlled access point for vehicles off Dunmore Street into plaza area using removable bollards. No lights to be installed within bollards
  - iii. Minimum two areas for bike racks within the Public Plaza area are required with 3 slim hoop bike racks per area with its installation in accordance with AS 2890.3 (2015) Bicycle Parking facility.
  - iv. Minimum one drinking fountain is required within the plaza area equivalent to Street Furniture Australia Arqua Fountain and its installation to be compliant with DDA accessibility guidelines. Waste water from drinking fountains to be diverted to nearby tree pits or garden beds to meet Water Sustainable Urban Design objectives.
  - v. Drainage grates in pavement design where there is greater than 120m<sup>2</sup> area of pavement is required and to include artworks. Where possible water runoff to be diverted to nearby tree pits or garden beds to meet Water Sustainable Urban Design objectives. Grates shall be certified to AS3996 Load Class D (210kN) and compliant with AS 4586:P4 and AS 4586: R10/R10.

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

**69. DACCZ02 – Right of Way**

Right of way shall be created for the public access as per the approved plans and Planning Agreement. In this regard,

- a) Detail plan showing the right of way shall be submitted to and approved by Cumberland City Council's Manager Engineering and Traffic.
- b) Council shall be indemnified from the any damage to the structures under the stratum due to works within the stratum and/or water leakages. In this regard draft wording shall be submitted to and approved by Cumberland City Council's Manager Engineering and Traffic.

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

**70. DACCZ03 – Voluntary Planning Agreement (VPA)**

The developer shall comply in full with the matters as specified in Schedule 3 and Schedule 4 of 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) VPA dated 9 June 2017, including the embellishment of area identified as designated land, the embellishment of the Council footpath/verge land along the frontage of Dunmore Street and Pritchard Street East, the provision of public art, and the dedication of the designated land to the Council at no cost to Council in accordance with the terms of the Planning Agreement.

Where there is an inconsistency between this Condition and the Voluntary Planning Agreement as approved under Condition 6 of this development consent, the Voluntary Planning Agreement prevails.

(Reason: To comply with the terms of the executed VPA)

**71. DACCZ04 – Stormwater Disposal**

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of schedule A condition.
- ii. 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:
  - a) Grated pit shall be provided behind the flap at the return pipe.
  - b) Dry platform shall be clearly shown on the plan.
  - c) Discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
  - d) 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.
  - e) OSD system and stormwater treatment device shall be located outside the designated land and stratum beneath the designated land. OSD shall not be located within the floor areas.
  - f) Detail longitudinal section of the high early discharge control pit showing return pipe, dry platform and flap shall be submitted.
  - g) All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
  - h) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the street enters into the basement. The crest shall be minimum 100mm above the adjacent top of kerb level. Crest shall be provided within the site.

(Reason: to prevent localised flooding)

**72. DACCZ05 – On Street Drainage Design**

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

- a) Longitudinal section, of the proposed stormwater outlet within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- b) Exact depth of the outlet pipe in the exiting pit shall be annotated on the plan.

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

**73. DACCZ06 – On Street Drainage Construction**

Prior to the commencement of any drainage works the street drainage works 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 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.)

**74. DACCZ07 – Minimum Headroom – Adaptable Parking Spaces**

Headroom clearance within adaptable/accessible parking shall be minimum 2500mm to comply with AS2890.6 requirements. Headroom shall be measured clear of any beams and service ducts. Sectional plans to comply with these headroom requirements showing 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.)

**75. DACCZ08 – Headroom Clearance**

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

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

**76. DACCZ09 – Ramp Gradients**

Circulation ramp grades and transitions shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along 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.

Copy of the approved plan shall be submitted to Council.

(Reason: to ensure the access ramp comply with Australian Standard AS28890.1:2004.)

**77. DACCZ10 – Storage Area**

Storage areas for each unit shall be provided at the following rates:-

- 1 bedroom units - 6m<sup>3</sup>
- 2 bedroom units - 8m<sup>3</sup>
- 3 bedroom units - 10m<sup>3</sup>

A minimum of 50% of the storage area shall be provided within the unit.

Detail is to be submitted to the Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To comply with the ADG requirement)

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

### 78. **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
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifier of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(Reason: Statutory requirements)

### 79. **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)

### 80. **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)

### 81. **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](http://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)

### 82. **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; and
- d) Have a receptacle for, and supply of, deodorising fluid.

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

**83. 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)

**84. DAPDB10 - 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 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)

**85. DAPDB11 - Hazardous Materials Survey Required**

Prior to the commencement of any 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)

**86. DAPDB12 - Sediment and Erosion Control measures**

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

- (a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This

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

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

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

**87. 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)

**88. 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)

**89. DAPCZ01 – Transport for NSW Conditions**

- a) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018 for heavy vehicle usage. Parking restrictions may be required to maintain the required sight distances at the driveway.
- b) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the intersection of Cumberland Highway and Dunmore Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(Reason: To comply with Transport for NSW requirements)

**Conditions which must be satisfied during any development work**

**90. 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)

**91. 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)

**92. 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)

**93. 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)

**94. 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)

**95. DADWA07 - General Site Requirements during Construction**

All of the following are to be satisfied/complied with during 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.)

**96. 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)

**97. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

**98. DADWA12 - Compliance with the Excavation and Construction Noise and Vibration Management Plan**

All excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

**99. 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)

**100. 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)

**101. 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)

**102. 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)

**103. 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.

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)

**104. 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)

**105. 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 City 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 City Council.

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

**106. 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)

**107. 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)

**108. 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)

**109. 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)

**110. DADWC06- Air Conditioning Units - Location**

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

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

**111. 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)

**112. 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)

**113. DADWZ01 - NSW Police Conditions**

- a) CCTV shall be installed within the building and surrounding grounds of the development.
- b) Design of the front façade facing the street should emphasise windows with transparent materials to encourage good surveillance. Windows shall be re-enforced to restrict unauthorised access by applying a shatter resistant film.
- c) The letter boxes shall be incorporated into the building with design that allows access for delivery to be easy and accessible and includes restricting access to the mail area, locking systems, CCTV in and

around the mail area, lighting at the entrance of the building.

(Reason: Safety and security)

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

**114. 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)

**115. 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)

**116. 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](http://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).

**117. 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)

**118. DAOCA06- Adaptable Housing**

A signed checklist as per Appendix A of AS4299-1995 confirming that 79 units 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).

**119. 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:

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

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

(Reason: Asset management)

**120. DAOCA12 – Construction of Concrete Footpath**

A full width concrete footpath and kerb & gutter shall be constructed/reconstructed 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 relevant Council's standards for town centre. Details shall be obtained from Council Engineering Section.

The above works must be constructed prior to the release of 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)

**121. 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)

**122. DAOCB03 - Installation requirements for Water Cooling Systems**

Prior to issue of 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 waste water 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)

**123. 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 DA acoustic report prepared by PKA Acoustic Consulting (PKA) with reference 11730 R01v2 dated 14 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)

- 124. DAOCD02 - Certificate of Test of Mechanical Ventilation**  
On the satisfactory completion of work and prior to the issue of an Occupation Certificate, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifier from an approved mechanical ventilation engineer.
- (Reason: To ensure compliance with the approved plans)
- 125. DAOCG01 - Certification of the Constructed Stormwater Drainage System**  
The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the Holroyd Development Control Plan 2013, prior to issue of the Final Occupation Certificate.
- (Reason: Adequate stormwater management)
- 126. 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)
- 127. 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)
- 128. 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)
- 129. DAOCH09 - Certificate of Compliance**  
A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifier.
- (Reason: Protection of public asset)
- 130. 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.)



**131. DAOCZ02 – Maintenance Schedule**

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

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

**132. DAOCZ03 – Right of Way Registration**

Right of way shall be created for the public access as per the approved plans and Schedule 5 of 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) Voluntary Planning Agreement dated 9 June 2017. In this regard,

- a) Council shall be indemnified from the any damage to the structures under the stratum due to works within the stratum and/or water leakages. In this regard draft wording shall be submitted to and approved by Cumberland City Council's Manager Engineering and Traffic prior to lodge the documents to NSW Land Registry Services.
- b) The documents shall be submitted to and endorsed by Cumberland City Council's Manager Engineering and Traffic prior to lodgement at the NSW Land and Registry Services (LRS).
- c) Right of way shall be created at no cost to Council.
- d) Registered copy of the Right of way shall be submitted to and approved by Cumberland City Council's Manager Engineering and Traffic.

Reason: to ensure necessary right of way is created for the pedestrian access and for services to Council's satisfaction.

**133. DAOCZ04 – Voluntary Planning Agreement (VPA)**

The developer is to complete all the obligations as specified in Schedule 4 of 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) VPA dated 9 June 2017, including the embellishment of area identified as designated land, the embellishment of the Council footpath/verge land along the frontage of Dunmore Street and Pritchard Street East and the provision of public art in accordance with the terms of the Planning Agreement.

Where there is an inconsistency between this Condition and the Voluntary Planning Agreement as approved under Condition 6 of this development consent, the Voluntary Planning Agreement prevails.

(Reason: To comply with the terms of the executed VPA)

**134. DAOCZ05 – Planning Agreement Registration**

Prior to the issuing of an Occupation Certificate, the Voluntary Planning Agreement for 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) dated 9 June 2017 shall be registered on the title of the Land.

(Reason: To comply with the terms of the executed VPA)

**135. DAOCZ06 – Dedicated Land Registration**

Prior to the issuing of an Occupation Certificate, part of the Land in Schedule 3 of 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) Voluntary Planning Agreement dated 9 June 2017 identified as designated land dedicated to the Council, at no cost to Council, shall be registered in accordance with the terms of the Planning Agreement.

(Reason: To comply with the terms of the executed VPA)

**136. DAOCZ07 – Car Share**

All car-share parking spaces are to be retained as common property by the Owners Corporation of the site. A covenant is to be registered with the strata plan advising of any car-share parking space. The covenant is to include provisions that the car-share parking space(s) cannot be revoked or modified without prior approval of Council.

(Reason: To comply with the approved development)

**137. DAOCZ08 – Green Travel**

A site-wide 'Green Travel Plan' to outline initiatives for walking, cycling and the use of public transport shall be prepared to the satisfaction of the Principal Certifier. The Green Travel Plan should address different transport needs and patterns for residential and non-residential uses and initiatives are to be implemented prior to the issue of an Occupation Certificate.

(Reason: To comply with the approved development)

**138. DAOCZ09 – CCTV**

Prior to the issue of an Occupation Certificate for a building, CCTV surveillance cameras shall be installed within the buildings and surrounding grounds of the development, placed in strategic locations such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the Police, upon request.

(Reason: To ensure that the development provides adequate visual surveillance and adequate records for the NSW Police to peruse if required)

**139. DAOCZ10 - Sustainability Strategy**

Prior to the issue of the Occupation Certificate, a suitably qualified consultant must verify that the items listed and targeted in the sustainability strategy report reference SY192571 Rev 2 prepared by Northrop Consulting Engineers Pty Ltd dated 14 May 2020 have been implemented to the satisfaction of the Principal Certifier.

(Reason: To comply with the approved development)

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

**140. DAOUA06 - Trading Outside the Building**

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity)

**141. 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)

**142. 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)

**143. 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)

**144. 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)

**145. 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:

*Public Health Act 2010 and Public Health Regulation 2012*

Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and

Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety)

**146. 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)

**147. 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](http://www.cumberland.nsw.gov.au).

(Reason: To ensure premises are notified to Council)

**148. 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)

**149. DAOUC16- Entertainment Noise Emission Criteria**

Noise from entertainment sources at the premises (music and patrons) must comply with the following:

- (a) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.

The LA10, 15 minute noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of *environmental noise*. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the processes listed in the NSW Noise Policy for Industry (2017) and relevant requirements of AS1055.1997.

(Reason: To protect residential amenity)

**150. 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)

**151. 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)

**152. 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)

**153. DAOUC23 - Compliance with Acoustic Report - Ongoing Use**

All recommendations contained in the DA acoustic report prepared by PKA Acoustic Consulting (PKA) with reference 11730 R01v2 dated 14 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.)

**154. 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)

**155. DAOUE02 - Visitor Parking Restriction**

Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.

(Reason: Compliance)

**156. DAOUE03 - Parking**

At least 808 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.

This shall comprise of:-

- 478 residential spaces (including 79 accessible spaces);
- 94 residential visitor spaces (including 7 accessible spaces); and
- 236 supermarket and commercial/retail premises spaces (including 9 accessible and 9 car share spaces).

to be provided in accordance with the relevant Australian Standards.

(Reason: Access to required car parking spaces)

**157. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**158. DAOUZ01 – Annual Maintenance of OSD**

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:-

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

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

**159. DAOUZ02 – Privacy**

All privacy measures shall be maintained at all times, throughout the lifetime of the development.

(Reason: to maintain privacy of the approved development)

**160. DAOUZ03 – Voluntary Planning Agreement (VPA)**

The developer is to comply with all obligations as specified in 42-44 Dunmore Street, Wentworthville (Wentworthville Mall) VPA dated 9 June 2017.

(Reason: To comply with the terms of the executed VPA)

## Advisory Notes

### 161. **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](http://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.



### 162. **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>.

### 163. **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](http://cjc.justice.nsw.gov.au)

### 164. **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.

### 165. **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.

### 166. **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.

**167. 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.

**168. 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.

**169. 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'.

**170. 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.

**171. 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](http://safework.nsw.gov.au/your-industry/construction), or phone 13 10 50.

**172. DAANN14 - Contaminated Land Orders**

The subject site or part of the subject site is affected by an Ongoing Maintenance Order under Section 28 of the Contaminated Land Management Act 1997. For further information regarding this Order, contact the Environment Protection Authority by phone: 131 555, or visit their website - [epa.nsw.gov.au](http://epa.nsw.gov.au).

**173. 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)

**174. 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)

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

- a) Where applicable inspections of the development site may be required to be undertaken at the following stages:
- b) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- c) Prior to covering any stormwater drainage connections;
- d) After the building work has been completed and prior to an occupation certificate being issued in relation to the building; and
- e) 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)