

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No: DA2020/0493

Applicant: Green Dior Holdings Pty Ltd
24-32 Lexington Drive
BELLA VISTA NSW 2153

Property Description: 246-248 Woodville Road MERRYLANDS NSW 2160
256-258 Woodville Road MERRYLANDS NSW 2160
2-4 Lansdowne Street MERRYLANDS NSW 2160
8-16 Lansdowne Street MERRYLANDS NSW 2160
8A Lansdowne Street MERRYLANDS NSW 2160
19 Highland Street MERRYLANDS NSW 2160

Development: Demolition of existing structures/site improvements and construction of a mixed-use development, with a varying height of 5 to 9 storeys comprising commercial and retail premises, residential apartments/shop top housing (413 apartments), childcare centre, hotel accommodation/serviced apartments (95 rooms), public park and associated landscaping, road access, two levels of basement parking and associated site works

Determined by: Sydney Central City Planning Panel

CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. **DAGCA01- General**

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

(Reason: Advisory)

2. **DAGCA02 - Approved Plans and Supporting Documents**

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

Reference/Dwg No	Title/Description	Revision	Prepared By	Dated
Architectural Plans				
18109 / DA0.01	Cover Sheet	C	marchese partners	4/02/2021
18109 / DA0.02	Data Sheet	C	marchese partners	4/02/2021
18109 / DA4.00B	Demolition Plan	A	marchese partners	28/07/2020
18109 / DA4.01	Basement-2	C	marchese partners	4/02/2021
18109 / DA4.02	Basement-1	C	marchese partners	4/02/2021
18109 / DA4.03	Ground Level	C	marchese partners	4/02/2021
18109 / DA4.04	Level 1	C	marchese partners	4/02/2021

18109 / DA4.05	Level 2-4	C	marchese partners	4/02/2021
18109 / DA4.06	Level 5	C	marchese partners	4/02/2021
18109 / DA4.07	Level 6	C	marchese partners	4/02/2021
18109 / DA4.08	Level 7	C	marchese partners	4/02/2021
18109 / DA4.09	Level 8	C	marchese partners	4/02/2021
18109 / DA4.10	Roof Plan	C	marchese partners	4/02/2021
18109 / DA4.11	Loading Dock	C	marchese partners	4/02/2021
18109 / DA4.12	LEVEL 1 - Buildings A, D & E	C	marchese partners	4/02/2021
18109 / DA4.13	LEVEL 1 - Buildings B & C	C	marchese partners	4/02/2021
18109 / DA4.14	LEVEL 2-4 - Buildings A, D & E	C	marchese partners	4/02/2021
18109 / DA4.15	LEVEL 2-4 - Buildings B & C	C	marchese partners	4/02/2021
18109 / DA4.16	LEVEL 5 Buildings A, D & E	C	marchese partners	4/02/2021
18109 / DA4.17	LEVEL 5 Buildings B & C	C	marchese partners	4/02/2021
18109 / DA4.18	LEVEL 6-7 Buildings A, D & E	C	marchese partners	4/02/2021
18109 / DA4.19	LEVEL 6-7 Buildings B & C	C	marchese partners	4/02/2021
18109 / DA4.20	LEVEL 8 Buildings A, D & E	C	marchese partners	4/02/2021
18109 / DA4.21	LEVEL 8 Buildings B & C	C	marchese partners	4/02/2021
18109 / DA4.23	ROOF LEVEL Buildings A, D & E	C	marchese partners	4/02/2021
18109 / DA4.24	ROOF LEVEL Buildings B & C	C	marchese partners	4/02/2021
18109 / DA4.31	Residential Typical Layouts	C	marchese partners	4/02/2021
18109 / DA4.32	Post Adaptable Units Layout	C	marchese partners	4/02/2021
18109 / DA4.33	Typical Layouts Hotel/Serviced Apartments	C	marchese partners	4/02/2021
18109 / DA4.34	Home Office Layout	C	marchese partners	4/02/2021
18109 / DA4.40	Childcare Plan Layout	C	marchese partners	4/02/2021
18109 / DA4.45	Childcare Evacuation Plan	C	marchese partners	4/02/2021
18109 / DA4.50	Childcare Detailed Rooms Floor Plans	C	marchese partners	4/02/2021
18109 / DA5.01	South and North Elevations	C	marchese partners	4/02/2021
18109 / DA5.02	East and West Elevations	C	marchese partners	4/02/2021

18109 / DA5.06	West Elevation - Detail	C	marchese partners	4/02/2021
18109 / DA5.07	North Elevation - Detail	C	marchese partners	4/02/2021
18109 / DA5.10	Material Board	C	marchese partners	4/02/2021
18109 / DA5.20	Childcare Elevations - North and West	C	marchese partners	4/02/2021
18109 / DA5.30	Childcare Interior Detailed Elevations	C	marchese partners	4/02/2021
18109 / DA6.01	Sections 1 & 2	C	marchese partners	4/02/2021
18109 / DA6.02	Access Ramp Sections	C	marchese partners	4/02/2021
18109 / DA6.03	Loading Dock Section	C	marchese partners	4/02/2021
18109 / DA6.10	6 Lansdowne Street Sections	C	marchese partners	4/02/2021
Landscape Plans				
1160 / L-00	Cover Page	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-01	Landscape Site Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-02	Ground Floor Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-03	Public Park Detail Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-04	Level 1 Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-05	Level 2-4 Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-06	Level 5 Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-07	Level 6 Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-08	Level 7 Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-09	Level 8 Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-10	Roof Garden Landscape Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-11	Planting Schedule & Details	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-12	SECTION A	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-13	SECTION B, C & D	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-14	Deep Soil Area Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
1160 / L-15	Ground Floor Childcare Plan	K	SITEDESIGN+ STUDIOS	3/02/2021
Public Domain and Civil Engineering Plans				
190642 / C000	General Notes, Locality Plan & Drawing Schedule	E	Australian Consulting Engineers	12/02/2021
190642 / C101	Civil Works Layout Plan Sheet 1 of 2	E	Australian Consulting Engineers	12/02/2021
190642 / C102	Civil Works Layout Plan Sheet 2 of 2	E	Australian Consulting Engineers	12/02/2021
190642 / C201	Driveway 1 Profile - Longitudinal Sections	E	Australian Consulting Engineers	12/02/2021
190642 / C202	Driveway 3 Profile - Longitudinal Sections	C	Australian Consulting Engineers	7/08/2020

190642 / C203	Driveway 4 Profile - Longitudinal Sections	D	Australian Consulting Engineers	3/02/2021
190642 / C204	Driveway 5 Profile - Longitudinal Sections	D	Australian Consulting Engineers	3/02/2021
190642 / C301	New Street - Longitudinal Section Sheet 1 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C302	New Street - Longitudinal Section Sheet 2 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C303	New Street - Longitudinal Section Sheet 3 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C304	New Street - Longitudinal Section Sheet 4 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C305	New Street - Longitudinal Section Sheet 4 of 5	C	Australian Consulting Engineers	7/08/2020
190642 / C306	Highland Street - Longitudinal Section	B	Australian Consulting Engineers	17/07/2020
190642 / C307	Stormwater Longitudinal Section Sheet 1 of 2	B	Australian Consulting Engineers	17/07/2020
190642 / C308	Stormwater Longitudinal Section Sheet 2 of 2	A	Australian Consulting Engineers	11/12/2019
190642 / C401	New Street - Cross Sections Sheet 1 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C301	New Street - Cross Sections Sheet 2 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C402	New Street - Cross Sections Sheet 3 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C404	New Street - Cross Sections Sheet 4 of 5	B	Australian Consulting Engineers	17/07/2020
190642 / C405	New Street - Cross Sections Sheet 5 of 5	C	Australian Consulting Engineers	7/08/2020
190642 / C406	Highland Street - Cross Sections	B	Australian Consulting Engineers	17/07/2020
190642 / C501	Typical Cross Sections	B	Australian Consulting Engineers	17/07/2020
190642 / C601	Construction Notes and Details Sheet	A	Australian Consulting Engineers	11/12/2019
Reports				
1063763M_02	BASIX Certificate	-	BCA Energy	9/02/2021
CA 21/154/3001	Acoustic Assessment	7	NG Child & Associates	8/02/2021

-	Acoustic Addendum Letter	-	NG Child & Associates	9/02/2021
-	Tree Assessment and Development Impact Report	-	Growing My Way Tree Services	August 2020
SO420	Operational Waste Management Plan	E	Elephants Foot Recycling Solutions	8/02/2021
-	Child Care Centre Plan of Management	-	-	9/08/2020
SYD20/01054	Transport for NSW Concurrence	-	Transport for NSW	27/10/2020
IDAS1130461	General Terms of Approval	-	Water NSW	23/12/2020

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

3. DAGCA03 - Integrated Development Approval

Since the development is classified as "integrated development", the following approval bodies have given their general terms of approval:

- Water NSW (Reference Number: IDAS1130461, dated: 23 December 2020)
- Transport for NSW (Reference: SYD20/02054, dated: 27 November 2020)

The issued general terms of approval must be fully complied with at all times.

(Reason: Statutory compliance)

4. Compliance with Terms of Voluntary Planning Agreement (VPA)

The developer shall comply in full with the terms as specified in the 'Woodville Road, Merrylands East (John Cootes Site) Planning Agreement' executed on 2 October 2019.

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

5. DAGCZ03 - Affordable Housing

The following dwellings are selected to be provided to Council as Affordable Housing Units in accordance with the provisions of Part 2 Clause 10 of the Woodville Road, Merrylands East (John Cootes Site) Planning Agreement, executed on 2 October 2019:

- B2.13 (1 bed);
- B3.13 (1 bed);
- B4.13 (1 bed);
- B7.04 (1 bed);
- A2.15 (2 bed);
- C6.02 (2 bed);
- D2.05 (2 bed); and
- E2.04 (2 bed).

(Reason: To satisfy the terms of the executed VPA.)

6. ~DAGCB05 - Swimming Pool/Spa

The approved swimming pool/spa must comply with the Swimming Pools Act 1992 and relevant standards.

The swimming pool on Level 1 of Building C is to be accessible to the residents of all buildings in the development.

(Reason: Statutory requirement)

7. TfNSW Requirements

- All buildings and structures together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Woodville Road

boundary.

- ii. The road works on Woodville Road, including the various reconfigurations, new road connection, widenings, tapers, line markings and other associated road works to support the development shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- iii. The TCS at the intersection of Woodville Road / Lansdowne Street shall be designed to meet TfNSW requirements. The TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

- iv. The redundant driveways on the Woodville Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Woodville Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- v. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- vi. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- vii. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020-001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- viii. "Clearway" and "No-Stopping" restrictions currently along the full Woodville Road frontage of the development site shall be retained.
- ix. 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.
- x. Bicycle Parking should be provided in accordance with AS2890.3.
- xi. The proposed development should be designed such that road traffic noise from Woodville Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
- xii. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Woodville Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- xiii. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Woodville Road.
- xiv. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for approval prior to the issue of a construction certificate.

(Reason: TfNSW concurrence requirements)

8. DAGCZ06 - Transport for NSW

Concurrence from Transport for NSW must be obtained for all works on Woodville Road. A copy of this concurrence must be provided to Cumberland City Council prior to the associated works being undertaken.

(Reason: To ensure Transport for NSW is kept involved and any direction issued is also recorded for Council information.)

9. DAGCA04 - Child Care Centre

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 100 children. A separate approval and/or license will be required from the Department of Education and Communities (DEC) prior to commencement of operations. Compliance with the Education and Care Services National Regulations is required at all times.

(Reason: Clarify approved use)

10. DAGCB02 - Food Fitout (Child Care Centre)

The design, construction, and fit out of the food premises within the child care centre at the premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - 2004 Design, Construction and Fit out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au <<http://www.foodstandards.gov.au>>.

(Reason: To ensure the food premises fit out complies with relevant food safety legislation and standards).

11. DAGCA07 - Separate Approvals

Separate Development Approval shall be obtained for the use and fitout of any of the commercial

spaces associated with the development for the purpose of food and drink premises and/or supermarket.

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

12. 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)

13. 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)

14. 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)

15. DAGCB07 - Tree Preservation

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

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 demolition and construction phases of the development.

(Reason: Compliance with approval)

18. DAGCD05 - Liquid Trade Waste

Any food premises associated with the development must comply with the following standards:

- a) Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water; and
- b) If a grease trap is required to be installed, then it must be installed in accordance with Sydney Water trade waste requirements by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must not be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems.

(Reason: To ensure that liquid trade waste is suitably disposed of and does not affect the environment or food safety)

19. 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)

20. DAGCZ04 - 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. DAGCZ05 - Service Relocation/Adjustment

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

(Reason: to protect utility services)

22. DAGCZ07 - Service Vehicle Access

Minimum dimensions for services areas are to comply with AS2890.2:2002 with regards to length, width and vertical clearance. Heavy vehicles are to be able to access driveways with only one reverse manoeuvre. Plans showing compliance with the distances and the swept path diagrams are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

(Reason: To ensure compliance with Australian Standards.)

23. DAGCZ08 - Service Vehicle Area

The area designated as manoeuvring areas must be kept clear of obstructions at all times. Vehicles must not be required to queue on public roads at any time.

(Reason: To ensure compliance with Australian Standards and prevent obstructions to traffic flows.)

24. DAGCZ09 - Basement Drainage System

Basement drainage is to comply with the Parramatta Development Control Plans 2011. In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred-year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred-year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred-year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- d) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- e) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.

- f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- g) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: to prevent localised flooding.)

25. 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)

26. 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)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF DEMOLITION OF ANY BUILDING OR STRUCTURE

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

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

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

(Reason; Statutory Requirement)

28. DAPDB02 - Demolition - General

Demolition - General

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

following:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

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

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

Asbestos to be removed by licensed asbestos removalist

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

NOTE:

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

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

Clearance certificate

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

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

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

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

Barricades

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

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

29. DAPDB03 - Demolition - Asbestos

Asbestos to be removed by a licensed asbestos removalist

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

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

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

Note:

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

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

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

30. DAPDB04 - Asbestos Clearance Certificate

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

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

31. DAPDB05 - Notification of Asbestos Removal Works

At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

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

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

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

32. DAPDB06 - Barricades for Asbestos Removal

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

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

33. DAPDB07 - Site Safety Fencing - Demolition Only

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

(Reason: Public safety)

34. DAPDB08 - Demolition Inspections

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

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

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

35. DAPDB09 - Tree Preservation

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

(Reason: Tree Preservation and Protection)

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

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

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

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

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

37. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

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

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

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

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

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

39. 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)

40. 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)

41. DACCA01 - Amendments to Approved Plans - Accessible Entry

Amended plans shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate demonstrating the provision of an accessible entry ramp for the southern-most pedestrian entry point off New Street 2.

(Reason: To provide accessible entry off New Street 2.)

42. 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)

43. 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)

44. 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)

45. 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 the Cumberland Local Infrastructure Contributions Plan 2020, is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Cumberland Local Infrastructure Contributions Plan 2020 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

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

Damage Deposit	\$6,470.00
Sect. 7.11 Contributions	\$5,785,188.00 + CPI
TOTAL	\$5,791,658.00 + CPI where applicable

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

(Reason: Statutory requirement and information)

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

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

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

The above does not prevent the entry into an arrangement with the Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the (insert relevant Contributions Plan).

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

47. 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)

48. 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)

49. 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)

50. 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/near/outside 246-260 Woodville Road, Merrylands including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent/near/outside 246-260 Woodville Road, Merrylands is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, 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)

51. 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)

52. 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)

53. 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)

54. 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.)

55. DACCE03 - Construction Traffic Management Plan (CTMP)

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

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

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.
- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant Pedestrian Management Plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

56. 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)

57. DACCF04 - On Slab Landscaping

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

(Reason: To ensure the site landscaping thrives)

58. DACCG04 - Off Street Car Parking - Residential Buildings

No less than 930 car parking spaces are required to be provided on site as follows:

- 514 parking spaces for Residential including 75 visitor parking spaces
 - 416 Parking spaces for Non-Residential including 25 Childcare centre, 25 Hotel and 366 Retail
- (a) All car spaces shall be allocated and marked according to this requirement.
 - (b) Retail users can use the child care parking spaces on weekends when the child care centre is closed. The allocated 25 parking spaces shall be used solely for Childcare centre from Monday to Friday.
 - (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and shall be part of the entitlement of that strata lot.
 - (d) Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
 - (e) Visitor spaces shall only be used by persons visiting residents of the property or persons with a legitimate legal reason to be upon the land.
 - (f) Access to visitor parking shall not be restricted.
 - (g) A sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

Such spaces shall be clearly marked.

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

(Reason: Parking and access)

59. DACCG06 - Pedestrian Sight Distance at Property Boundary

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

(Reason: To maintain pedestrian safety.)

60. DACCG09 - On Street Drainage Design

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

- a) A Longitudinal section of the proposed stormwater outlet within Council controlled land, showing the depth and location of all the services within the area of the proposed works, shall be submitted.
- b) Stormwater shall be connected to the existing Council's stormwater pipe.
- c) The depth of the Council pipe shall be verified and annotated on the plan.
- d) A detailed service search shall be carried out to ensure that the existing stormwater pipes within the road reserve are incorporated in the design.

(Reason: to ensure Council's assets are designed to Council's requirements and existing assets are incorporated in the design.)

61. DACCG10 - Ramp Gradients

Circulation ramp grades and transitions shall comply with AS2890.1:2004 and AS2890.2:2002. In this regard detail longitudinal section along ramp to a scale of 1:20, shall be submitted to and approved by the 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.)

62.

63. -DACCG05- Water Sensitive Urban Design (WSUD)/ Water Quality Measures

In accordance with the section 3.3.6 under "Parramatta DCP 2011", appropriate Water Sensitive Urban Design Measures (Water Quality measures) must be employed as part of a Site Stormwater Management.

A WSUD strategy/measures, as specified in the DCP, must be provided. As the proposed arrangements of the filtration system that include "the cartridge filtration system" do not demonstrate compliance with the objective of section 3.3.6, an appropriate measure must be provided. Further, the proposed arrangement will cause mixing of first flush (i.e. 1 in 3 month's flow with high concentration of pollutants) with the subsequent flows which normally are diluted in pollutant concentration. The treatment strategy/ measures must be redesigned. In this regard, the followings adjustment in the proposed arrangement must be employed and amended documentation submitted to the Manager of Engineering and Traffic prior to the issue of a Construction Certificate:

- a. The High-flow bypass chamber shall be relocated to the upstream side of both the OSD system and filtration system. All stormwater collected on the site catchment shall be directed to the high-flow bypass chamber.
- b. The High flow bypass chamber shall be designed with a low-level outlet fitted with orifice and the high-level overflow bypass. The low level outlet shall allow (controlled by orifice) the flow up to 1 in 3 month's Storm event flow (also termed as first flush) to be directed into filtration chamber and the remainder (also termed as high-flow) that exceeds 1 in 3 month's equivalent flow to be directed, through the overflow, into OSD system thus bypassing the filtration system.

- c. The high flow bypass chamber shall not be larger than 1m x 1m in area to allow the chamber to fill up quickly to generate the required head in a 1 in 3-month storm event.
- d. The floor/ invert of the high flow bypass chamber shall be at least 150mm higher than the false floor of the filtration chamber to ensure that head is maintained and there is no backflow of the polluted water from the filtration system.
- e. The overflow level of the high flow bypass chamber shall be higher than the water level in the filtration chamber and the Top Water Level (i.e. 1 in 100-year storm event) in the OSD chamber to ensure that no backflow occurs into the high flow bypass chamber.
- f. The outflow (bottom manifold outlet) from the filtration system shall be directed to the overflow pit (past the OSD system) and the equivalent flow to the reduced from the Permissible Site Discharge (PSD) in the OSD Calculations.
- g. The holding tank (Filtration chamber) of the filtration system shall have sufficient capacity to hold the 1 in 3-month storm event runoff volume that contains high concentration of pollutants. The filtration system shall be designed so there is no bypass or overflow of untreated/polluted water from the filtration system.
- h. If the outflow from the filtration system (treated water) is directed to the OSD system, then the followings are required to ensure proper functioning of the filtration system and prevent backflow into the filtration chamber:
 - i. The invert level of the outlet pipe from the filtration system must be higher than the water level during 1 in 1.5 year's storm event in the OSD system. The water level inside the OSD system during the 1 in 1.5 year's storm event must be provided/shown on the plan;
 - ii. The outlet (bottom manifold) from the filtration system shall be connected to the storage area, not to the control pit, and a non-return valve shall be provided to prevent backflow.
 - iii. The Top Water Level in the filtration system shall be above the 1 in 100-year (1%AEP) storm event Top Water Level in the OSD tank.
 - iv. There shall be no backflow from the OSD system to the filtration Chamber in any storm event.
 - v. No adjustment is required for PSD in OSD calculation.
- i. An electronic copy of the MUSIC model, which includes the components as incorporating the WSUD strategy/ measures to achieve the target results to be submitted to the Executive Manager Engineering and Traffic for approval.

(Reason: To ensure WSUD measures are implemented.)

64. DACCG11 - Stormwater Disposal

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged by gravity system through the downstream easement(s) as per the approved plans. In this regard:

- a) 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, approved OSD plan and Council's on-site detention policy shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The following shall also be addressed:
 - i. High early discharge control shall be provided as per council's DCP requirements.
 - ii. Dry platform and weep hole details shall be clearly shown on the plan
 - iii. A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.
 - iv. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
 - v. Maximum spacing between the access grates over the OSD tank shall not exceed 6.0m.
 - vi. Grated drains shall be provided behind the directly behind the flap as per Council's standard Drawings.
 - vii. Finished surface levels shall be indicated within all courtyards, driveways, and detention storage areas.
 - viii. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.

- ix. All walls, kerbs, or crests proposed on the site are indicated along with their respective levels. (e.g. top of wall level).
- x. Stormwater runoff from the subject site shall be discharged by gravity system.

(Reason: to prevent localised flooding.)

65. DACCH02 - Vehicle Access and Parking Facilities within the Basements

All internal driveways, vehicle turning areas, basement and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards). In this regard,

- a) Circulation ramp grades and transitions shall comply with AS2890.1:2004 and AS2890.2:2002.
- b) The headroom clearance within the basement shall comply with the indented usage.
- c) Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction at all the passing areas without encroaching on required car parking spaces and structures.
- d) The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

Plans prepared by a suitably qualified Engineer shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: to ensure the access ramp and parking facilities comply with the relevant Australian Standard.)

66. DACCH03 - Removal of Redundant Driveways

All redundant driveways in the local roads shall be removed and reinstated to Council standard kerb and gutter. Prior to the issue of a Construction Certificate, suitably prepared plans shall be submitted to and approved by Council. All costs associated with the works shall be borne by the Applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

(Reason: To maximise on streetcar parking by removing driveways that are no longer needed in accordance with Council policy.)

67. DACCI01 - Service Vehicle Access to Loading Bay Area

Access to the on-site loading bay area including driveway grades, transitions and height clearance shall be designed for safe forward in and forward out access of a 19.0m long AV vehicle in accordance with AS2890.2:2002. The height clearance required is 4.5m, measured from the floor level to any overhead structures. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 19.0m AV vehicle shall be submitted to and approved by Council's Development Engineer prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

(Reason: To ensure compliant service vehicle and loading areas.)

68. DACCI02 - Dilapidation Report - Prior to Excavation of Basement

- (a) A dilapidation report prepared by a professional engineer or suitably qualified building professional shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works.

The report shall detail the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided prior to the commencement of demolition, excavation or building works certifying that the demolition, excavation and or building works will not have an impact on any adjoining structure including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandas, fences, retaining walls, swimming pools and driveways etc.).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

(Reason: to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.)

69. 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)

70. 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)

71. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Parramatta Development Control Plan 2011, Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist " and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

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

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

(Reason: To ensure appropriate provision for disposal and stormwater management arising from development.)

72. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Parramatta Development Control Plan 2011, Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third/Fourth Edition) and Council's "On-site Stormwater Detention Policy", and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

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

(Reason: Adequate stormwater management.)

73. 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)

74. 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)

75. 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.

76. DACCJ01 - 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)

77. 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)

78. 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)

79. 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, prior to the issue of a Construction Certificate.

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

80. 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)

81. 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)

82. 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)

83. 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)

84. 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 K G Child and Associates dated 8 February 2021 reference CA21/154/3001.

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)

85. 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)

86. DACCL07 - Visitor Spaces Located Behind Security Shutter Door

The installation of any security roller shutter for parking areas shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifying Authority prior to the release of the Construction Certificate.

(Reason: To ensure visitor car parking is accessible to visitors.)

87. 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)

88. DACCM01 - Food Premises - Certification of Plans (Child Care Centre)

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the child care centre must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards prior to the issue of the Construction Certificate.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

89. DACCM01 - Food Premises - Waste Storage Area (Child Care Centre)

- (a) To ensure the adequate storage and collection of waste from the the childcare centre, all garbage and recyclable materials emanating from the use must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674- Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 - Food Premises and Equipment and must be:
- a. Suitably sized to contain all waste and recyclable material.
 - b. Provided with a hose tap connected to the water supply.
 - c. Paved with impervious floor materials.
 - d. Coved at the intersection of the floor and walls.
- e. Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- f. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
- g. Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code 2019.
- h. Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- i. Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate. The proposed must be constructed in accordance with such plans and specifications prior to the issue of an Occupation Certificate.

(Reason: To ensure waste generated by the business is appropriately contained)

90. 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)

91. DACCM06 - Road Design - New Street 1, New Street 2 & Lansdowne Street Widening

New Street 1 and New Street 2 shall be constructed, and Lansdowne Street shall be widened in accordance with Council's requirements, to the satisfaction of Council. Prior to the issue of any Construction Certificate, detailed plans shall be submitted to and approved by Council's Manager Engineering and Traffic. In this regard:

- a. Detail design of road construction including kerb and gutter and footpath, road pavement widening, setting out plans, signposting, line marking, design contour plans and street lighting plans shall be submitted for assessment.
- b. Written approval from relevant authorities shall be obtained for the street lighting upgrade and other required service adjustments.
- c. The proposed pedestrian crossings on New Street 1 & New Street 2 shall be deleted as these are not supported by Council.
- d. The proposed roundabout at the intersection between New Street 2 and Highland Street shall

- be deleted from the submitted the plans.
- e. All the costs shall be borne by the Applicant.

(Reason: to ensure Public road design comply with Council's standards and requirements.)

92. DACCM07 - Footpath Construction - Woodville Road, Lansdowne Street and Highland Street

The footpath adjoining the frontages shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided. Street boundary levels obtained from Council shall be incorporated in the design. All associated cost shall be borne by the applicant.

Detail footpath design shall be submitted and approved by Council's Works and Services section prior to the issue of any Construction Certificate.

(Reason: to provide a safe footpath for increased pedestrian use and one that will complement the Cumberland City Council requirements.)

93. DACCM08 - Sight Distance

Adequate appears adequate vertical sight distance shall be provided along the access ramp.
In this regard:

- a) Appropriate measures shall be provided to improve the safety.
- b) Detail plan shall be submitted to and approved by principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: to ensure adequate safety is provided in the access ramp.)

94. DACCZ01 - Waste Rooms

Prior to the issue of a Construction Certificate, plans demonstrating separate residential and commercial bin and chute access rooms are to be provided to the Principal Certifier.

(Reason: Waste management)

95. DACCZ02 - Amended Landscape Plan

Prior to the issue of a Construction Certificate, the Landscape Plans are to be amended, in consultation with Cumberland City Council's Landscape Architect and be approved by the Executive Manager Development and Building, to incorporate the following:

- a. Park Element Specification is to provide specifications (including photomontages demonstrating colour and material) of all pavements proposed as part of the public domain works.
- b. Revise Double Side Gate & Mulched Maintenance Path to new drop kerb, crossover, 2 x removable bollards for combined & widened maintenance and pedestrian entry off (north/south) Highland Street.
- c. Locate drinking bubbler adjacent to garden bed to support item g. specification.
- d. Relocate 2 x bench seats in playground mulch and locate subsurface mounted around 'Plaza' pavement perimeter.
- e. Locate total 4 x bench seats around 'Plaza' pavement perimeter.
- f. Relocate 1 x custom concrete seat form from outside 'Plaza' pavement to alternate playground mulch location.
- g. Show 2 x Park Name Signs, one each located on each mid-point on long boundary.
- h. Item 4 specification change 360 to 370.
- i. Locate 1 x waste bin near inside (north/south) Highland Street entry, 1 x adjacent to picnic tables, 2 x each side north/south 'plaza' pavement area.

These plans are to be submitted to Cumberland City Council's Executive Manager Development and Building for written approval, prior to the issue of a Construction Certificate.

(Reason: To ensure the adequate provision of open space).

96. DACCZ03 - Voluntary Planning Agreement (VPA)

The developer shall comply in full with the matters as specified in Schedule 2, Schedule 3, Schedule

5 and Schedule 6 of the 'Woodville Road, Merrylands East (John Cootes Site) Planning Agreement', executed on 2 October 2019, including, but not limited to, the following:

- A. The carrying out and dedication of the following works:
 - a. New streets
 - b. Embellishment and landscaping of Public Park;
 - c. Embellishment of Green Setbacks Land; and
 - d. Construction and fit out of affordable housing units selected by the Council.

Where there is an inconsistency between this Condition and the VPA, as approved under Condition 4 of this development consent, the VPA prevails.

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

97. DACCZ04 - Roundabout Design - Oxford Street and Highland Street

A roundabout shall be provided at intersection of Oxford Street and Highland Street. Prior to the issue of any Construction Certificate, detailed plans shall be submitted to obtain concurrence for Cumberland Council's Traffic Committee. In this regard:

- a) Detailed design plans showing the roundabouts, turning paths and signage shall be submitted to Council for Traffic Committee approval.
- b) Detail design of roads including kerb and gutter and footpath, setting out plans, signposting, line marking, and design contour plans and street lighting plans shall be submitted for approval.
- c) Detailed land identification plans with respect to the lands adjacent to the proposed roundabouts.
- d) The boundary between the private and public road shall be delineated by coloured threshold and the threshold shall be within the private property.
- e) Written approval from relevant authorities' shall be obtained for the street lighting upgrade at the intersection and other required service adjustments.
- f) All the dimensions shall be marked on the plans.
- g) All the costs shall be borne by the Applicant.

Please note that a minimum of 3 months required for the Traffic Committee approval.

(Reason: to ensure Public road design comply with Council's standards and requirements.)

98. DACCZ05 - Basement Drainage System

Prior to the issue of a Construction Certificate, the proposed driveway ramp shall be designed in accordance with the Australian Standards AS2890.1:2004 and AS2890.2:2004. In this regard:

- Grades and levels shown on the plans shall be amended to comply with AS2890.1:2004 and AS2890.2:2004.
- Headroom clearance shall comply with the relevant Australian Standards.
- The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

Plans demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure that the ramp complies with Australian Standards.)

99. DACCZ06 - Car Parking Areas

Prior to the issue of a Construction Certificate, the proposed driveway ramp shall be designed in accordance with the Australian Standards AS2890.1:2004 and AS2890.2:2004. In this regard:

- a. Grades and levels shown on the plans shall be amended to comply with AS2890.1:2004 and

AS2890.2:2004.

- b. Headroom clearance shall comply with the relevant Australian Standards.
- c. The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

Plans demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure that the ramp complies with Australian Standards.)

100. DACCZ07 - Internal Ramp

Prior to the issue of a Construction Certificate, the proposed driveway ramp shall be designed in accordance with the Australian Standards AS2890.1:2004 and AS2890.2:2004. In this regard:

- a. Grades and levels shown on the plans shall be amended to comply with AS2890.1:2004 and AS2890.2:2004.
- b. Headroom clearance shall comply with the relevant Australian Standards.
- c. The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

Plans demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure that the ramp complies with Australian Standards.)

101. DACCZ08 - Intercom/Remote Access to Basement

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings, submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.)

102. DACCZ09 - Vehicle Swept Paths

Prior to the issue of a Construction Certificate, vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction at all the passing areas without encroaching on required car parking spaces and structures. The drawings must be compliant with Australian Standards AS2890.1:2004 and AS2890.2:2002. Drawings must be submitted with the Construction Certificate application to the Certifying Authority.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles)

103. DACCZ10 - Roundabout Construction - Design

Roundabouts shall be provided at intersection between Oxford St and Highland St, and at intersection between New Street 2 and Highland St. Prior to issue of any construction certificate, detailed plans shall be submitted to and approved by Council's Manager Engineering and Traffic. In this regard:

- a) Detailed design plans showing the roundabouts, turning paths, signages shall be submitted to Council for traffic committee approval.
- b) Detail design of roads including kerb & gutter and footpath, setting out plans, signposting, line marking, and design contour plans and street lighting plans shall be submitted for assessment.
- c) Detailed land identification plans with respect to the lands adjacent to the proposed roundabouts.
- d) The boundary between the private and public road shall be delineated by coloured threshold and the threshold shall be within the private property.
- e) Written approval from relevant authorities' shall be obtained for the street lighting upgrade at

the intersection and other required service adjustments.

- f) All the dimensions shall be marked on the plans.
- g) All the costs shall be borne by the applicant.

Please note that a minimum of 3 months required for the traffic committee approval.

(Reason: to ensure Public road design comply with Council's standards and requirements.)

104. DACCH01 - Translucent Glazing for Privacy in Wet Areas

Translucent glazing must be installed in all bathroom, ensuite and toilet windows. Details shall be included on the Construction Certificate plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity)

105. -DACCH04 - Privacy Screens

Privacy screens are to be provided on all habitable room windows within 18 metres of an internal corner of a building. Details shall be included on the Construction Certificate plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

106. 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.
 - (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.

(Reason: Statutory requirements)

107. 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)

108. 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)

109. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

110. 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)

111. 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)

112. DAPCB03 - Protection of Landscape Features

To limit the potential for damage to the following tree/s to be retained, the area beneath their canopies must be fenced prior to the commencement of demolition, excavation or building works.

Species	Location
Trees S1-S6, W1-W9 & S1-S8 (refer to endorsed arborist report)	Located along Landsdowne street, Highland Street & within South Granville Public School

The fencing comply with recommendations of the arborist report and **AS4970 - protection of trees on development**, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected. The fencing should be a minimum of 1800mm high chain link fencing. All fencing shall be maintained for the duration of the construction works.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

113. 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)

114. 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/ARMAC 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)

115. DAPCZ01 - Roads and Roundabout Construction - Methodology and Program

Prior to commencement of any development works, construction methodology and construction program shall be submitted to and approved by Council's Manager Engineering and Traffic. All the costs shall be borne by the applicant.

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

116. DAPCZ02 - Restoration Works

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

(Reason: to ensure that Council's infrastructure is maintained in a safe and trafficable manner.)

CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT WORK

117. 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)

118. 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)

119. DADWA04 - Unexpected find of Acid Sulphate Soils

- a) Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.
- b) If an Acid Sulphate Soils management plan is recommended by the suitably qualified environmental consultant, then all recommendations of this plan must be complied with during works.

(Reason: Environmental protection)

120. 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)

121. 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)

122. DADWA07 - General Site Requirements during Demolition and Construction

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the

- requirements of the Protection of the Environment Operations Act 1997.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
 - j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
 - m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
 - o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

123. 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)

124. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

125. DADWA12 - Compliance with the Demolition, Excavation and Construction Noise and Vibration Management Plan

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

(Reason: To protect residential amenity)

126. 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)

127. 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)

128. 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)

129. 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)

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

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

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

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

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

131. 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)

132. DADWA22 - Dust Control - Major Works

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

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

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

133. DADWB02 - Tree Protection

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

(Reason: Tree preservation)

134. 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)

135. 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)

136. DADWC03 - Progress Survey - Major Development

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)

137. 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)

138. DADWC06- Air Conditioning Units - Location

Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

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

139. 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)

140. 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)

141. DADWZ01 - Inspection of Works - On Site Detention System

The stormwater drainage works are to be inspected during construction, by the Council or by a practicing suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank.
- (b) Prior to landscaping of the detention basin or pouring of the roof of the detention tank.
- (c) Prior to back fill following laying pipe,
- (d) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.
- (e) Final Inspection.

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

(Reason: To ensure compliance of civil works with Council's specification for engineering works.)

142. DADWZ02 - Infrastructure Works to be handed over to Council

The Applicant shall notify Council's Development Engineering and Certification team is to be given 48-hour notice when the works reach the following stages:

- a) Installation of Silt and Sediment control devices
- b) Prior to backfilling of pipelines

- c) Prior to pouring of stormwater gully pits
- d) Prior to pouring of kerb and gutter
- e) Subgrade level / basecourse level / subbase
- f) All layers of the road formation are to be proof rolled to Council's satisfaction
- g) Sealing road pavement
- h) Roundabouts construction

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

(Reason: to ensure works on public/Council controlled lands are carried out as per Council's requirements.)

143. DADWZ03 - Stormwater Connection

The applicant shall connect the pipeline in accordance with the Section 138 *Roads Act* approval. In addition, the applicant shall reconstruct all affected kerb and gutter, bitumen reinstatements; adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the works. All works shall be undertaken at the applicant's cost.

Details demonstrating compliance are to be submitted to the Certifying Authority and Council.

(Reason: To ensure compliance of drainage works with Council's approved plans.)

144. DADWZ04 - Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 *Roads Act* approval. Details demonstrating compliance are to be submitted to the Principal Certifying and Council.

(Reason: To ensure compliance of civil works with Council's specification for engineering works.)

145. DADWZ05 - Reinstatement of Footpath and Footpath Crossing

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

(Reason: to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.)

146. DADWZ06 - Footpath/Nature Strip Maintenance During Construction

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council's satisfaction.

(Reason: to ensure pedestrian safety during the construction period.)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE RELATING TO THE USE OF THE BUILDING OR PART

147. 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)

148. Satisfaction of Terms of VPA

Written correspondence from Council's Executive Manager Development and Building is to be obtained and provided to the Certifying Authority prior to the issue of the Occupation Certificate to confirm that the works detailed in the 'Woodville Road, Merrylands East (John Cootes Site) Planning Agreement' executed on 2 October 2019 have been completed in accordance with the terms of the VPA.

(Reason: To ensure compliance with the terms of the executed VPA.)

149. 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)

150. DAOCA03 - S73 Compliance Certificate

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

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

151. 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)

152. DAOCA06- Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that 42 residential 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).

153. DAOCA07 - Notification of Food Business for Child Care Centre

Prior to the issue of any Occupation Certificate, the food business associated with the child care centre must notify Council of their food business details in accordance with the Food Act 2003 and The Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements, Clause 4. Registration forms are available on Council's website www.cumberland.nsw.gov.au <<http://www.cumberland.nsw.gov.au>>.

(Reason: Registration and notification to relevant authorities)

154. DAOCA08 - Certification of Engineering Works

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

- a) A Certificate from a 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.
- c) The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
- d) OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- e) Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.

- f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- g) Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and leak-proof capability etc.

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 driveways and laybacks, and/or
- vi. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

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

(Reason: to ensure quality of the asset, Councils record and asset management.)

155. DAOCA10 - Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

(Reason: To clearly identify the street number of the property)

156. DAOCA11 - Civil Works on the Footway

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

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

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

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

157. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed across the full length) adjacent to the front and side) of the property.

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

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

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

158. 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)

159. 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 K G Child and Associates dated 8 February 2021 reference CA21/154/3001 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)

160. DAOCE02 - Evacuation Plan - Child Care Centres

Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan complying with AS3745 -2010 should be prepared and implemented. The emergency evacuation plan should consider:

- a) The mobility of children and how this is to be accommodated during an evacuation;
- b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.
- e) Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

(Reason: Safety)

161. DAOCF03 - Arborist's Report - Follow up

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate. This report must document:

- a) methods of excavation or construction used to carry out the works;
- b) any damage sustained by the tree/s as a result of the works;
- c) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- d) any future or on-going remedial work required to be carried out to ensure the long-term retention of the tree/s.

(Reason: Ensure survival of trees to be retained)

162. DAOCF05 - Engineer Certificate for Pump

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

(Reason: to ensure the system has been constructed Council's standards and specifications.)

163. 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 Parramatta Development Control Plan 2013, prior to issue of the Final Occupation Certificate

(Reason: Adequate stormwater management)

164. 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).

(Reason: To ensure the on-site stormwater detention/disposal system is maintained to an appropriate operational standard.)

165. 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)

166. 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)

167. DAOCH06 - Redundant Driveway/s

Prior to the issue of any Occupation Certificate, all redundant driveways shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

Arrangements shall be made with Council's Engineering section for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

(Reason: to ensure Council's assets are restored in accordance with Council's standard.)

168. DAOCH10 - Roads and Roundabout Construction

New street 1 and New Street 2, road widening at Lansdowne Street and roundabout construction works shall be completed in accordance with Council's satisfaction. Details demonstrating compliance are to be submitted to and approved by Council's Manager Engineering and Traffic prior to the issue of any Occupation Certificate. All the costs shall be borne by the Applicant.

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

169. DAOCH11 - Carriageway Widening at Lansdowne Street, Merrylands

The carriageway width along Lansdowne Street shall be reconstructed as per Council's requirements, to the satisfaction of Council, to achieve a more consistent road width and a more efficient road system. Detailed carriageway widening plans shall be submitted to and approved by Council's Executive Manager Engineering and Traffic, prior to the issue of a Construction Certificate.

(Reason: To achieve a more consistent carriage width and a more efficient road system)

170. DAOCH12 - Car Parking Spaces - Restrictive Covenant

The following shall be complied with:-

- a) The on-site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.
- b) Prior to Occupation Certificate under the *Environmental Planning and Assessment Act 1979* (as amended) a documentary Restrictive Covenant, is to be registered on the Title of the

development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

- c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the *Strata Titles (Freehold Development) Act 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the *Conveyancing Act 1919* burdening all car parking lots in the strata scheme.

(Reason: to ensure the car parking spaces are used in accordance with the details of the development approval.)

171. DAOCZ01 - Intersection Upgrade Between Woodville Road and Lansdowne Street

All the works at intersection between Woodville Road and Lansdowne Street shall be constructed, completed and commissioned in accordance with Transport for NSW and Council requirements. Construction works shall be completed in accordance with Council's satisfaction. Details demonstrating compliance are to be submitted to and approved by Council's Manager Engineering and Traffic prior to the issue of any Occupation Certificate. All the costs shall be borne by the Applicant.

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

172. DAOCZ02 - Allocated Parking Spaces - Retail and Commercial

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development.

(Reason: To ensure parking availability.)

173. DAOCZ03 - Loading Dock Management Plan

A Loading Dock Management Plan shall be prepared by the Applicant and submitted to and approved by the Cumberland City Council Executive Manager Development and Building prior to the issue of any Occupation Certificate.

The Plan will need to demonstrate how loading dock will be managed to ensure that there will be only one vehicle entering and exiting the loading dock access in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic. Vehicle queuing on public road(s) is not permitted.

(Reason: To manage the efficient use of the loading dock.)

174. DAOCZ04 - Accessible Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009. A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with Australian Standards.)

175. DAOCZ05 - Operational Management Plan

An Operational Management Plan (OMP) is required to be prepared and submitted for written approval to Cumberland City Council's Executive Manager Development and Building detailing the operation of the development. The OMP shall include, but not be limited to the following:

- a. Vehicle access and egress.
- b. Through-site circulation of vehicle movements.
- c. Management of car parking areas.
- d. The location and content of directional signage.
- e. Complaints management.
- f. Noise management.
- g. Truck delivery times and methods of control to manage the sequencing of the loading docks.
- h. Waste management.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of

any Occupation Certificate.

(Reason: To ensure that the development operates with minimum disruption to the surrounding area.)

176. DAOCZ06 - Footpath Construction

The footpath, in accordance to Council's standard specifications, shall be constructed along the property frontage to Council's satisfaction. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: To provide pedestrian access to and from the property.)

177. DAOCZ07 - Vehicle Driveway Crossings and Gutter Laybacks

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all redundant driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if a written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any Occupation Certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

(Reason: to ensure that works are carried out in accordance with Council's standard.)

178. DAOCZ08 - Carrying Capacity of Driveways - Heavy Duty

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the Applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if a written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any Occupation Certificate.

(Reason: To manage provision of vehicle crossings.)

179. DAOCZ09 - OSD 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.)

180. DAOCZ10 - Post Construction Road Reserve Dilapidation Report (Major Development)

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works and satisfactory infrastructure inspection must be carried out by Council prior to the refund of any security deposits.

(Reason: To ensure security against possible damage to Council property.)

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

181. 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)

182. DAOUA14 - Hours of Business Operation

The hours of operation are restricted to the following:

Use	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Child Care Centre	7am - 7pm	7am - 7pm	7am - 7pm	7am - 7pm	7am - 7pm	Closed	Closed
Supermarket	24 hour	24 hour	24 hour	24 hour	24 hour	24 hour	24 hour
Retail Tenancies	7am - 10pm	7am - 10pm	7am - 10pm	7am - 10pm	7am - 10pm	7am - 10pm	7am - 10pm
Hotel	24 hour	24 hour	24 hour	24 hour	24 hour	24 hour	24 hour

(Reason: Ensure business operates between approved hours)

183. DAOUA19- Lighting Nuisance

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

(Reason: Environmental amenity)

184. DAOUA20 - Loading

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

(Reason: Adequate servicing)

**185. DAOUA25 - Signage - Illumination
Hours of Sign Illumination**

Signage must not be illuminated between the hours of 11.00pm and 7.00am daily.

Flashing or Moving Signs

Signage must not flash or have any moving components.

Intensity of Sign Illumination

The intensity and hours of illumination of the sign must be addressed, if Council considers there to be adverse impacts associated with the sign illumination.

Wiring

Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the facade of the building.

(Reason: To ensure compliance with approved plans and environmental amenity)

186. DAOUC17 - Structure Borne Noise from Gym

Structure borne noise emitted from the gym associated with the development must not exceed the following criteria when measured inside any separate sensitive noise receiver at any time:

- (a) Residential receivers: LA1, Slow 15 minute \leq LA90, 15 minute + 0 dB(A)
- (b) Commercial receivers: LA1, Slow 15 minute \leq LA90, 15 minute + 3 dB(A)

(Reason: To protect residential amenity)

187. 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)

188. 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)

189. DAOUC23 - Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the DA acoustic report prepared by K G Child and Associates dated 8 February 2021, reference CA21/154/3001 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.)

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

190. 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)

191. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

192. DAOUZ02 - Annual Maintenance Inspection of OSD

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

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

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

193. -DAOUZ01 – Operational Management Plan

The use of the premises must always be operated and managed in accordance with the Operational Management Plan, as endorsed by Council. Any amendments to the Operational Management Plan are subject to the approval of Council's Executive Manager Development and Building.

(Reason: To protect the amenity.)

194. DAOUZ03 - Implementation of Loading Dock Management Plan

Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. The car parking area shown on the approved drawings must be used for vehicle parking only. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) is not permitted

(Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.)

195. DAOUZ04 - Car Parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the Architectural Plans prepared by Marchese Partners International Pty Ltd, shall not be used for any other purpose.

(Reason: to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.)

DRAFT

ADVISORY NOTES

196. DAANN01 - Dial Before You Dig

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



197. 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>.

198. 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.

199. 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.

200. 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.

201. 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.

202. 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.

203. 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'.

204. 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.

205. DAANN13 - Work Health and Safety

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

206. 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)