

## DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

---

|                              |   |
|------------------------------|---|
| <b>Application No:</b>       | DA2020/0542   |
| <b>Applicant:</b>            | Rolz Group Pty Ltd<br>C/O The Planning Hub<br>Suite 3.09 Level 3<br>100 Collins Street<br>ALEXANDRIA NSW 2015   |
| <b>Property Description:</b> | 14 Mary Street AUBURN NSW 2144, 16 Mary Street AUBURN NSW 2144, 18 Mary Street AUBURN NSW 2144, 20 Mary Street AUBURN NSW 2144, 22 Mary Street AUBURN NSW 2144<br>Lot 41 DP 89118, Lot 1 DP 194169, Lot 42 DP 738824, Lot 1 DP 742938, Lot 40 Sec 7 DP 982836   |
| <b>Development:</b>          | Demolition of existing structures and construction of a 12-storey mixed use building comprising 4 ground floor retail spaces, a boarding house development containing 101 boarding rooms and 84 residential apartments over 4 levels of basement parking, including landscaping and associated site improvement works |
| <b>Determined by:</b>        | Sydney Central City Planning Panel  |

---

### CONDITIONS OF CONSENT

#### Deferred Commencement Conditions

##### 1. DADCA01 - Deferred Commencement Approval

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

(Reason: Statutory requirement)

#### Schedule 'A'

##### 2. DADCZ01 - Sydney Water Requirements

The applicant shall make suitable arrangements with Sydney Water for:

- The relocation of the existing Sydney Water stormwater pipeline that currently passes through the subject development site.
- Controlled overland flow provision for stormwater runoff events in excess of the capacity of the relocated Sydney Water stormwater pipeline.

The applicant is to provide to Council written advice from Sydney Water that suitable arrangements have been agreed with Sydney Water.

(Reason:- to ensure Sydney Water assets are protected.)

##### 3. DADCZ02 - Relocation of Sydney Water Pipe

The existing Sydney Water pipe traverses through the subject site/ other sites shall be diverted to the satisfaction of Council and Sydney Water. In this regard:

- Written consent from owners/strata shall be submitted for the proposed works if the works are

- within other sites.
- b) The proposed pipe shall be sized to a minimum of 20 year ARI storm event capacity with adequate inlet capacity.
- c) Detailed plans showing the pipe size, location with invert levels and other existing services shall be submitted to Council and Sydney Water for assessment and approval.
- d) Detailed management of any local discharge connections to Sydney Water pipe including overland flow path and emergency escape route shall be addressed.
- e) All associated cost shall be borne by the Applicant.

(Reason: to ensure Sydney Water requirements are complied with.)

#### 4. **DADCZ03 - Modification to Existing Easement**

Stormwater easement shall be created over the realigned stormwater pipes and proposed overland flow paths. In this regard:

- a) Written consent from owners of the affected properties shall be submitted for the proposed creation and/or modification to the easement.
- b) Draft plan showing the proposed creation and/or modification to the easement shall be submitted and approved.
- c) Receipt of lodgement of the above documents with NSW Land Registry Services shall be submitted.
- d) Prior to lodge the documents to NSW Land Registry Services, the documents shall be submitted to and approved by Council.
- e) Supporting evidence shall be submitted to show that stormwater runoff up to 100 year storm event can be drained via modified easement.

(Reason: to ensure that the appropriate easements are created.)

### **General Conditions**

#### 5. **DAGCA01- General**

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

(Reason: Advisory)

#### 6. **DAGCA02 - Approved Plans and Supporting Documents**

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

| <b><i>Reference/Dwg No</i></b> | <b><i>Title/Description</i></b> | <b><i>Revision</i></b> | <b><i>Prepared By</i></b> | <b><i>Dated</i></b> |
|--------------------------------|---------------------------------|------------------------|---------------------------|---------------------|
|                                | Architectural Plans             |                        |                           |                     |
| DA006                          | Site                            | B                      | Urban Link                | 10.03.21            |
| DA101                          | Ground Floor                    | B                      | Urban Link                | 10.03.21            |
| DA102                          | Level 01                        | B                      | Urban Link                | 10.03.21            |
| DA103                          | Level 02-03                     | B                      | Urban Link                | 10.03.21            |
| DA104                          | Level 04                        | B                      | Urban Link                | 10.03.21            |
| DA105                          | Level 05-09                     | B                      | Urban Link                | 10.03.21            |
| DA106                          | Level 10                        | B                      | Urban Link                | 10.03.21            |
| DA107                          | Level 11                        | B                      | Urban Link                | 10.03.21            |
| DA108                          | Roof                            | B                      | Urban Link                | 10.03.21            |
| DA109                          | Basement 01                     | B                      | Urban Link                | 10.03.21            |
| DA110                          | Basement 02                     | B                      | Urban Link                | 10.03.21            |
| DA111                          | Basement 03                     | B                      | Urban Link                | 10.03.21            |
| DA112                          | Basement 04                     | B                      | Urban Link                | 10.03.21            |
| DA201                          | North Elevation                 | B                      | Urban Link                | 10.03.21            |
| DA202                          | South Elevation                 | B                      | Urban Link                | 10.03.21            |
| DA203                          | East Elevation                  | B                      | Urban Link                | 10.03.21            |
| DA204                          | West Elevation                  | B                      | Urban Link                | 10.03.21            |
| DA205                          | Streetscape Elevations          | B                      | Urban Link                | 10.03.21            |

|             |                             |   |                                   |          |
|-------------|-----------------------------|---|-----------------------------------|----------|
| DA301       | Section A                   | B | Urban Link                        | 10.03.21 |
| DA302       | Section B                   | B | Urban Link                        | 10.03.21 |
| DA303       | Section C                   | B | Urban Link                        | 10.03.21 |
| DA304       | Section E                   | B | Urban Link                        | 10.03.21 |
| DA901       | Finishes Schedule           | B | Urban Link                        | 10.03.21 |
| DA1401      | GFA Diagrams                | B | Urban Link                        | 10.03.21 |
| DA1409      | Adaptable Units             | B | Urban Link                        | 10.03.21 |
|             | Landscape Plans             |   |                                   |          |
| 000         | Cover Sheet                 | C | Site Image                        | 28.07.20 |
| 101         | Ground Level                | D | Site Image                        | 31.07.20 |
| 102         | Level 4                     | C | Site Image                        | 28.07.20 |
| 103         | Level 11                    | C | Site Image                        | 28.07.20 |
| 501         | Landscape Detail            | B | Site Image                        | 15.06.20 |
|             | Stormwater Plans            |   |                                   |          |
| SW200-SW400 | (7) Sheets                  | C | SGC                               | 25.02.21 |
|             | Plan of Management          |   | Urban Link                        |          |
|             | Noise Impact Assessment     | 1 | Rodney Stevens Acoustics          | 29.07.20 |
|             | Site Auditor Interim Advice |   | Harwood Environmental Consultants | 19.05.21 |
|             | Wind Assessment Report      | 1 | ANA Civil Pty Ltd                 | 01.03.21 |
|             | Waste Management Plan       |   | Dickens Solutions                 | 08.20    |

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

**7. DAGCA05 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

**8. 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)

**9. 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)

**10. 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)

**11. 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)

**12. 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)

**13. DAGCD01 - Places of Shared Accommodation**

- a) The construction, use and operation of the premises must comply with the applicable requirements of Schedule 2 of the Local Government (General) Regulation 2005.
- b) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must comply with the relevant requirements of Clause 46 of the Public Health Regulation 2012.

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

**14. 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.)

**15. 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)

**16. 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)

**17. DAGCZ01 - Surface runoff**

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

(Reason: to prevent adverse impact on adjoining properties.)

**18. DAGCZ02 - Service Relocation/Adjustment**

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

(Reason: to protect utility services)

**19. DAGCZ03 - Bond positive covenant**

The applicant shall lodge with Council a **\$6290** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.

(Reason: to ensure Positive Covenant and Restriction as to User documents are registered)

**20. DAGCZ04 - Power pole relocation**

The existing power pole shall be relocated to provide appropriate clearance to the driveway. In this regard:

- a) Letters from relevant service authority shall be submitted for the relocation of the existing power pole to satisfy the above requirements.
- b) Amended plan shall be submitted to Principal Certifying Authority.
- c) Documents showing compliance of above requirements shall be submitted to and approved by Principal Certifying Authority as part of Construction certificate and a copy shall be forwarded to Council as part of construction certificate if Council is not the Principal Certifying Authority.

(Reason: to ensure service authority's consent is obtained for the relocation of the power pole.)

**21. DAGCZ05 - Basement drainage system**

Basement drainage is to comply with Council's development control plans. In this regard:

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- iv) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- v) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- vi) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- vii) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: to prevent localised flooding.)

**22. DAGCZ06 - Compliance with Site Auditor Interim Advice Letter**

All 'Auditor Comments' provided within the DA approved Site Auditor Interim Advice Letter prepared by Rod Harwood (Harwood Environmental Consultants) dated 19 May 2021 shall be addressed in the carrying out of further site investigations and incorporated into any future contamination/remediation reports. Any new or amended contamination reports shall be submitted to the satisfaction of the Principal Certifier and Cumberland City Council.

The 'Auditor Comments' are to be adhered to, as required, across all phases of the development the subject of this consent.

(Reason: To ensure compliance with the Interim Advice Letter.)

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

**23. DAPDB03 - Demolition - Asbestos**

**Asbestos to be removed by a licensed asbestos removalist**

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where

applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

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

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

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m<sup>2</sup> 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](http://www.workcover.nsw.gov.au)

#### **Compliance with applicable Legislation, Policies and Codes of Practice**

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

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

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

#### **24. DAPDB04 - Asbestos Clearance Certificate**

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

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

#### **25. DAPDB05 - Notification of Asbestos Removal Works**

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

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

#### **26. DAPDB06 - Barricades for Asbestos Removal**

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

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

#### **27. 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)

**28. 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)

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

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

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

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

**30. 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**

**31. 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)

**32. 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)

**33. 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)

**34. 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)

**35. 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)

**36. DACCB03 - Section 7.11 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Cumberland Local Infrastructure Contributions Plan 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](http://www.cumberland.nsw.gov.au) or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

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

|                          |                                       |
|--------------------------|---------------------------------------|
| Damage Deposit           | \$2,995.00                            |
| Bond Positive Covenant   | \$6,290.00                            |
| Sect. 7.11 Contributions | \$1,835,198.00 + CPI                  |
| TOTAL                    | \$1,844,483.00 + 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)

**38. 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)

**39. 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)

**40. 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)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for

the design of all works within the road reserve required adjacent to 14-22 Mary Street, Auburn 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 14-22 Mary Street, Auburn are to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

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

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

#### **42. DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works**

Concrete vehicular crossing(s) and layback shall be constructed across the nature strip 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 and natural grass verge 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 under Section 138 of the Road Act 1993 (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to works commencing.

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)

#### **43. 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)

#### **44. 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)

**45. 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)

**46. 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)

**47. DACCG05 - Off Street Car Parking - General**

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

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

(Reason: Parking and access)

**48. 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)

**49. 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 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: Stormwater management)

**50. DACCJ03 - Certification of the Stormwater Drainage System Design**

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

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

(Reason: Adequate stormwater management)

**51. 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)

**52. DACCK01 - Dilapidation Report**

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

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

Please note:

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

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

**53. DACCK07 - Structural Engineer's Details**

Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Accredited Certifier.

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

**54. 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)

**55. 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)

**56. 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)

**57. 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 Rodney Stevens Acoustics dated 6 April 2021 reference R160748R3.

*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.)

**58. 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)

**59. DACCZ01 - Parking layout and access ramp design**

Amended parking design addressing following shall be submitted to and approved by the Principal Certifying Authority:

- a) A crest shall be provided in the access ramps within the site to prevent stormwater runoff from the street enters the basement and the loading area. The crest shall be minimum 100mm above the adjacent top of kerb level. Boundary line levels shall be obtained and incorporated in the design.
- b) Access ramp grades and transitions for car park shall comply with Australian standard AS2890.1 and for loading area shall comply with AS2890.2.
- c) Commercial and residential parking spaces shall be separated. Turning area shall be provided at the separation area blind aisle.
- d) Width of the commercial and visitor parking spaces shall be minimum 2.6m. All the necessary

dimensions shall be annotated on the plans.

- e) Two-way access ramp width shall be minimum 6.1m. Details shall be annotated on the plan.
- f) Driveway width for truck access shall be minimum 3.5m. Detail shall be annotated on the plans.

(Reason: to ensure parking lay out comply with Council's DCP and Australian standard AS2890.1 and AS2890.6. and to prevent stormwater from footpath enters the site.)

**60. DACCZ02 - Stamping of development application plans by Sydney Water**

The approved development application plans must be submitted to a Sydney Water Customer Centre to determine whether the development complies with Sydney Water requirements.

In this regard, Principal Certifying Authority shall ensure that Sydney Water requirements have been complied and Sydney Water has appropriately stamped the plans.

(Reason: to ensure the development does not damage or interfere with Sydney Water's infrastructure.)

**61. DACCZ03 - Works near Sydney Water assets**

Prior to the issue of any construction certificate existing Sydney Water stormwater pipeline that currently passes through the site, the applicant shall construct and activate the relocation of the Sydney Water stormwater pipeline to the requirements of Sydney Water.

Sydney Water requirements shall be incorporated in the Construction Certificate plans. Details shall be submitted to and approved by Principal Certifying Authority.

(Reason:- to ensure Sydney Water requirements are complied.)

**62. DACCZ04 - Hydraulic engineering design certificate**

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

- a) Construction certificate plans comply with approved Flood Study Report as part of the deferred commencement condition.
- b) The development has no adverse impact on flood levels and/or adjoining properties.

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

The above written verification shall be submitted to and approved by Principal Certifying Authority

(Reason: to ensure construction plans comply with the flood study.)

**63. DACCZ05 - Flood Risk Management**

Development shall comply with Chapter 6 of Council's 'Auburn Development Control Plan 2010 - Stormwater Drainage'. In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls nominated in Table 5 Auburn Development Control Plan 2010 - Stormwater Drainage.
- b) Details shall be submitted to and approved by Principal Certifying Authority.

(Reason: to reduce flood risk to the people and properties.)

**64. DACCZ06 - Stormwater disposal**

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans SW100 to SW400 issue C prepared by SGC subject to any modification approved as part of the schedule A condition.
- ii. The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design, and construction details of the OSD system

demonstrating compliance with the development consent and Council's (former Auburn) DCP shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:

- i. Stormwater discharge through the easement shall comply with the details approved as part of the deferred commencement condition. In this regard, stormwater plan shall be updated.
- ii. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- iii. Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.
- iv. OSD shall be clear of building floor and roof areas.

(Reason: to prevent localised flooding.)

**65. DACCZ07 - Parking layout**

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing the all necessary dimension shall be submitted to and approved by the Principal Certifying Authority.

Copy of the approved plan shall be submitted to Council.

(Reason: to ensure Parking layouts comply with Australian Standard AS28890.1:2004.)

**66. DACCZ08 - Minimum headroom - adaptable parking spaces**

Headroom clearance within accessible parking shall be minimum 2500mm to comply with AS2890.6 requirements. Headroom shall be measured clear of any beams and service ducts.

Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure headroom complies with AS2890.)

**67. DACCZ09 - Ramp gradients**

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

Copy of the approved plan shall be submitted to Council.

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

**68. DACCZ10 - Headroom clearance**

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

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

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

**69. DAPCA01 - Appointment of Principal Certifier**

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

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifier for the building work, and
  - (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the

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

(Reason: Statutory requirements)

#### **70. DAPCA02 - Home Building Compensation Fund**

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

- a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;
- d) Written notice of the following information has been provided to Council;
  - i. In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and
    - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
  - ii. In the case of work to be done by an owner-builder:
    - The name of the owner-builder, and
    - If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement)

#### **71. 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)

#### **72. 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)



**73. DAPCA05 - Sydney Water Tap in Approvals**

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

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

(Reason: Statutory requirement)

**74. 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)

**75. 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)

**76. 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                              |
|---|---------------------------------------|
| <b><i>Jacaranda mimosifolia</i> - Jacaranda</b> | Within neighbouring property boundary |

The fencing must extend 2000mm beyond the trees trunk, 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)

**77. DAPCB04 - Removal of Trees**

The following trees are approved for removal:

| Species  | Location                 |
|--|--------------------------|
|  |                          |
| <b><i>Ulmus parvifolia</i> - Chinese elm x7</b>      | Within property boundary |
| <b><i>Jacaranda mimosifolia</i> - Jacaranda</b>      | Within property boundary |
| <b><i>Murraya paniculata</i> - Murrya x2</b>         | Within property boundary |
| <b><i>Thuja orientalis</i> - Bookleaf Conifer x1</b> | Within property boundary |

To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

Trunk protection to applicable trees must be in place prior to the commencement of any works.

(Reason: To clarify which trees are permitted to be removed)

**78. 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)

**79. DAPCZ01 - Modification to existing easement**

Prior to commencement of any construction works on site including site preparation works, drainage easement shall be created over the realigned stormwater pipes and proposed overland flow paths. In this regard:

- a) Transfer Granting easement or variation to easement showing the creation and/or modifications to the alignment of easement shall be lodged with NSW Land Registry Services shall be submitted.
- b) Registered copy of the documents shall be submitted to and approved by Principal Certifying Authority.

(Reason: to ensure that the appropriate easements are created.)

**80. DAPCZ02 - Proposed realignment of Sydney Water's stormwater system within Council controlled land**

Prior to commencement of any construction works on site including site preparation works a detail design for the proposed realignment of existing Sydney Water's stormwater pipe shall be submitted and approved by Cumberland Council's Manager Engineering and Traffic. In this regard:

- a) Longitudinal section, of the proposed stormwater outlet within the Council controlled land, showing

- the depth and location of all the services within the area of the proposed works shall be submitted.
- b) Sydney Water written approval shall be submitted.
  - c) All the Sydney water requirements shall be incorporated.

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

**81. DAPCZ03 - On street drainage construction (prior to street drainage works)**

Prior to the commencement of any works the street drainage works shall be completed to Council's satisfaction at no cost to Council. In this regard:

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

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

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

**82. 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)

**83. 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)

**84. 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)

**85. 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)

**86. 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.)

**87. 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)

**88. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

**89. 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)

**90. 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)

**91. 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)

**92. 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)

**93. DADWA16 - Land Remediation (Auditor Engaged)**

- (a) All remediation works must be carried out in accordance with the approved Remediation Action Plan (RAP) prepared by Benviron Group dated August 2020 reference E1150-5.
- (b) If amendments to the approved RAP are required, these must be approved by a suitably qualified environmental consultant and the NSW accredited Site Auditor, and a copy of the amended RAP submitted to the Principal Certifier and Cumberland Council, prior to the commencement of such work.

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

**94. 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)

**95. 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)

**96. 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)

**97. 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)

**98. 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)

**99. 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)

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

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

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

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

(Reason: To ensure compliance with approved plans)

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

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

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

**102. 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)

**103. DADWC08 - Anti-Graffiti Coatings**

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

(Reason: To minimise the opportunity for graffiti)

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

**104. 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)

**105. DAOCA03 - S73 Compliance Certificate**

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

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

**106. ~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)

**107. 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)

**108. DAOCA06- Adaptable Housing**

A signed checklist as per Appendix A of AS4299-1995 confirming that 15 units (9 residential and 6 boarding rooms) 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).

**109. DAOCA08 - Certification of Engineering Works**

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

- (a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category,
- (b) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (c) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (d) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (e) Approved verses installed Drainage Design (OSD) Calculation Sheet. And
- (f) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or
- (iv) the basement mechanical pump and well system, and/or
- (v) the proposed driveway and layback, and/or



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

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

The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

(Reason: Asset management)

**110. 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)

**111. 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)

**112. DAOCA12- Construction of Concrete Footpath**

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

Footpath surface treatment and paving details shall comply with relevant Council's standards for town centre. Details shall be obtained from Council Engineering Section.

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

**113. 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)

**114. DAOCB04 - Acoustic Verification Report**

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

- (a) All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 6 April 2021 reference R160748R3 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.)

**115. DAOCB05 - Site Remediation and Validation**

- (a) The site must be remediated and validated in accordance with the approved Remediation Action Plan (RAP) prepared by Benviron Group dated August 2020 reference E1150-5. If any variations need to be made to the approved RAP, these must be approved by a suitably qualified environmental consultant, and a copy of the amended RAP must be provided to the PCA and Cumberland Council, prior to commencement of any such works. Where the variation alters the approved development consent plans, appropriate prior approval from Cumberland Council must be sought for the changes.
- (b) Prior to the issue of any Occupation Certificate:
  - a. A Validation Report is to be prepared by a suitably qualified environmental consultant in accordance with the Contaminated Land Management Act 1997 and any relevant guidelines endorsed by the NSW EPA. The report is to satisfactorily document the following:
    - i. The extent of validation sampling, and the results of the validation testing;
    - ii. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan prepared by Benviron Group dated August 2020 reference E1150-5; and
    - iii. That the site is suitable for the proposed use.
  - b. A copy of the Validation Report must be submitted to the PCA and to Cumberland City Council.
- (c) If site suitability is contingent on implementation and compliance with a long term environmental management plan (EMP) with respect to management of residual contamination on site, then:
  - a. A copy of this EMP must be submitted to Cumberland Council along with the Validation Report, prior to issue of any Occupation Certificate; and
  - b. The owner of the land is required to comply with all ongoing obligations of the EMP.

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

**116. DAOCB06 - Monitoring of Field Parameters**

Results of the monitoring of field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

(Reason: To ensure Council is informed as to monitoring of field parameters in the event of an incident)

**117. DAOCB07 - Site Audit Statement**

The Principal Certifier must not issue any Occupation Certificate for the use unless a copy of the Section A Site Audit Statement has been submitted to Council and complies with the following:

- (a) The Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor who has considered all aspects of the site investigation, remediation and validation works.
- (b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan submitted with this application and clearly state that site is suitable for the proposed use.
- (c) Where the Site Audit statement will be subject to conditions that require ongoing review by Cumberland Council, these must be reviewed and approved in writing by Council before the Site Audit Statement is issued.
- (d) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

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

**118. DAOCB08 - Site Audit Statement subject to Environmental Management Plan**

- (a) Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor prior to the issue of the final Site Audit Statement.
- (b) The owner of the land is required to comply with the ongoing obligations of any EMP, which form part of the final Site Audit Statement for the site.
- (c) A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.
- (d) A copy of the revised certificate of land title recording the covenant must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

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

**119. DAOCC03 - Boarding House Accommodation - Registration and Caretaker**

Prior to the issuing of any Occupation Certificate, Council must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(Reason: Amenity and public safety)

**120. DAOCF01 - Landscape Works**

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

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

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

(Reason: Landscape certification)

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

Prior to occupation the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/mechanical pump-out system/ charged lines, which are in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with NSW Land Registry Services.

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

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

(Reason: Compliance and adequate maintenance of drainage system)

**122. 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)

**123. DAOCZ01 - Hydraulic engineering construction certificate**

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

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

The written verification shall be submitted to and approved by Principal Certifying Authority.

(Reason: to ensure construction comply with the flood study.)

**124. DAOCZ02 - Flood risk evacuation plan**

A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times.

The evacuation plan shall be submitted to and approved by Principal Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: to ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site.)

**125. DAOCZ03 - CCTV Survey**

Dilapidation survey/ CCTV Inspection of the stormwater pipe shall be carried out prior to commencement of any work on the site and upon completion of the work to ensure that the pipe has not damaged during the construction and construction works are satisfactory.

(Reason: to ensure the development does not damage or interfere with Sydney Water's infrastructure.)

**126. DAOCZ04 - Structural engineering certificate**

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

(Reason: to ensure the construction is structurally adequate.)

**127. DAOCZ05 - Maintenance schedule - OSD**

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

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

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

**128. 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)

**129. DAOUA20 - Loading**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

Loading operations are restricted to between the hours of 7am and 10pm daily.  
All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

**130. DAOUA26 - Plan of Management**

The use must always be operated and managed in accordance with the Plan of Management, prepared by the applicant that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Any amendments made to the approved Plan of Management is subject to further review and approval by Council.

(Reason: To protect residential amenity)

**131. DAOUA27 - Boarding House - Use & Operation**

The construction and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including (but not limited to):

- a) Local Government (General) Regulation 2005 under the Local Government Act 1993
- b) Public Health Act 2010
- c) Boarding Houses Act 2012
- d) Boarding Houses Regulation 2013

(Reason: Statutory compliance)

**132. DAOUA28 - Maximum number of Boarding Rooms and Lodgers**

The maximum number of occupants (including on site manager) shall not exceed 203 at any time.

(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time)

**133. DAOUA29 - Registration of Boarding House (Boarding House Act 2012)**

The approved Boarding House must be registered with NSW Fair Trading within twenty-eight (28) days of commencing operations. Details about the Boarding Houses Register and the registration process are available on the NSW Fair Trading website. Boarding House owners/operators are also required to lodge an Annual Return within 28 days of the 12 month anniversary of the date of the initial registration. Should the premises cease operating as a Boarding House, NSW Fair Trading must be notified of such within 28 days of the cessation of the use.

(Reason: Registration and notification to relevant authorities)

**134. 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)

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

All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 6 April 2021 reference R160748R3 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.)

**136. 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)

**137. DAOUE03 - Parking**

At least 179 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

**138. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**139. DAOUZ01 - Limit of the delivery trucks**

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

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

**140. DAOUZ02 - Convex safety mirror**

Convex safety mirror shall be provided at the appropriate locations as approved plans.

a) Convex safety mirrors shall be maintained in good condition at all times.

(Reason: to improve the sight distance.)

**141. DAOUZ03 - Annual maintenance inspection of OSD**

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

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

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

## Advisory Notes

### 142. **DAANN01 - Dial Before You Dig**

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



### 143. **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>.

### 144. **DAANN03 - Dividing Fences**

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

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

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

### 145. **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.

### 146. **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.

### 147. **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.

### 148. **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.

**149. 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.

**150. DAANN13 - Work Health and Safety**

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

**151. 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)