

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2021/0040
Applicant:	A Coburn Level 2 3 Horwood Place PARRAMATTA NSW 2150
Property Description:	93 St Hilliers Road AUBURN NSW 2144, Lot 11 DP 786590
Development:	Partial demolition of existing structures, subdivision into two (2) lots, and construction of an eight (8) storey hotel over a semi-basement car parking level and associated signage
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	Title/Description	Issue	Prepared By	Dated
2018081 / DA-000	Cover Sheet	B	Jackson Teece	4/12/2020
2018081 / DA-003	Site Plan	B	Jackson Teece	4/12/2020
2018081 / DA-004	Concept Diagrams	B	Jackson Teece	4/12/2020
2018081 / DA-005	Concept Diagrams	B	Jackson Teece	4/12/2020
2018081 / DA-099	Floor Plan - Lower Ground Floor	B	Jackson Teece	4/12/2020
2018081 / DA-100	Floor Plan - Ground Floor	B	Jackson Teece	4/12/2020
2018081 / DA-101	Floor Plan - Level 1	B	Jackson Teece	4/12/2020
2018081 / DA-102	Floor Plan - Level 2	B	Jackson Teece	4/12/2020
2018081 / DA-103	Typical Level 3-5	B	Jackson Teece	4/12/2020
2018081 / DA-106	Floor Plan - Level 6	B	Jackson Teece	4/12/2020
2018081 / DA-107	Floor Plan - Level 7	B	Jackson Teece	4/12/2020
2018081 / DA-108	Floor Plan - Roof	B	Jackson Teece	4/12/2020
2018081 / DA-109	Demolition Plan - Lower Ground	B	Jackson Teece	4/12/2020
2018081 / DA-110	Demolition Plan - Ground Floor	B	Jackson Teece	4/12/2020
2018081 / DA-111	Demolition Plan - Level 1	B	Jackson Teece	4/12/2020
2018081 / DA-112	Demolition Plan - Roof	B	Jackson Teece	4/12/2020

2018081 / DA-200	North-East & North-West Elevation	B	Jackson Teece	4/12/2020
2018081 / DA-201	South-East & South-West Elevation	B	Jackson Teece	4/12/2020
2018081 / DA-300	Sections	BB	Jackson Teece	4/05/2021
2018081 / DA-301	Atrium Section	B	Jackson Teece	4/12/2020
2018081 / DA-400	Street Perspective - 01	B	Jackson Teece	4/12/2020
2018081 / DA-401	Street Perspective - 02	B	Jackson Teece	4/12/2020
2018081 / DA-500	Hotel Guest Room Types	B	Jackson Teece	4/12/2020
2018081 / DA-550	Development Summary	B	Jackson Teece	4/12/2020
2018081 / DA-600	Signage - Details	B	Jackson Teece	4/12/2020
2063.GD.01	Landscape Plan - Ground Floor	A	Greenland Design Landscape Architects	10/03/2021
2063.GD.02	Landscape Plan - Level 1	A	Greenland Design Landscape Architects	10/03/2021
2063.GD.03	Landscape Plan - Levels 2	A	Greenland Design Landscape Architects	10/03/2021
2063.GD.04	Plant Schedule	A	Greenland Design Landscape Architects	10/03/2021
1400.GD.02	Landscape Details & Specification	A	Greenland Design Landscape Architects	10/03/2021
02153_100	Cover Sheet, General Notes, Legend, Drawing Index & Locality Sketch	01	C & M Consulting Engineers	3/02/2020
02153_201	General Arrangement Plan - Sheet 01	01	C & M Consulting Engineers	3/02/2020
02153_202	General Arrangement Plan - Sheet 02	01	C & M Consulting Engineers	3/02/2020
02153_601	Stormwater Drainage Catchment Plan and Calcs	01	C & M Consulting Engineers	3/02/2020
02153_651	Stormwater Drainage - OSD Section and Details	01	C & M Consulting Engineers	3/02/2020
Surveyor's Ref: 7860	Plan of Subdivision of Lot 11 in DP 786590	B	Matthew Plowman	17/12/2020
Surveyor's Ref: 7860	Plan of Subdivision of Lot 11 in DP 786590	B	Matthew Plowman	17/12/2020
20190648.1/0502A/R 2/TH	DA Acoustic Assessment	2	Acoustic Logic	5/02/2020
-	Waste Management Plan	-	Dickens Solutions	28/01/2020

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

3. **DAGCA05 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

4. DAGCA08 - Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

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)

5. 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)

6. 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)

7. 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)

8. 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)

9. DAGCD02 - General standards for Warm Water and Cooling Water Systems

All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2012, and relevant parts of AS 3666 Air handling and water systems of buildings - Microbial control.

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

10. 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)

11. 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)

12. DAGCZ01 - Transport for NSW

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta

Road and St Hillier Road boundaries.

2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

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

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

3. The proposed development, noting its use, should be designed, as per the requirements of Clause 101 (2)(c) of State Environmental Planning Policy (Infrastructure) 2007 such that it includes measures to ameliorate potential traffic noise or vehicle emissions noise within the site of the development arising from Parramatta Road and St Hilliers Road. These measures shall be certified by an appropriately qualified noise and air quality expert and noted on the plans prior to issue of a Construction Certificate.
4. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 - 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
7. If hoarding is required to facilitate the development within the St Hilliers Road road reserve a separate Section 138 approval under the Roads Act 1993 will be required from Roads and Maritime. Documentation provided must clearly demonstrate that clearance widths for pedestrians are maintained in accordance with AUSTROADS Guide to Road Design Part 6A: Paths for Walking and Cycling (Section 5 Design Criteria), it does not impact pedestrian movements on the footpath with consideration given to all users and demonstrate how the hoarding shall not obstruct line of sight to for all users to traffic control signals, driveways or other critical road infrastructure.

(Reason: TfNSW requirements.)

13. DAGCZ02 - 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.)

14. DAGCZ03 - Service relocation/adjustment

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

(Reason: to protect utility services)

15. DAGCZ07 -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)

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

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

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

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

(Reason; Statutory Requirement)

17. Heritage Archival

Prior to the commencement of any works on site an, archival recording of views and vistas to and from the Electricity Substation No. 167 on the State Heritage Register at 93 Parramatta Road (Lot 167 DP 610769 and Lots A & C DP 347473) is to be undertaken and submitted to Council to capture the changing streetscape of the area.

(Reason: To address the provisions of the HIS.)

18. DAPDB02 - Demolition - General

Demolition - General

- a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c) Demolition works are restricted as follows:
 - Monday to Saturday inclusive - 7:00am - 5:00pm
 - Sundays and Public Holidays - No work
- d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

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

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

Asbestos to be removed by licensed asbestos removalist

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

NOTE:

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

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

Clearance certificate

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

Notification of asbestos removal works

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

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

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

Barricades

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

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

19. DAPDB03 - Demolition - Asbestos

Asbestos to be removed by a licensed asbestos removalist

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

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

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

Note:

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

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

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

20. 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)

21. 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)

22. 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)

23. 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)

24. 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)

25. 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)

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

26. 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)

27. 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)

28. 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)

29. 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)

30. 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)

31. DACCB04 - Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the *Environmental Planning and Assessment Act 1979* and Cumberland Local Infrastructure Contribution 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 Contribution Plan 2020 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

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

Damage Deposit	\$6,470.00
Sect. 7.12 Contributions	\$440,800.00 + CPI
TOTAL	\$447,270.00 + 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)

33. 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)

34. 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)

35. 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)

36. 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 93 St Hilliers Road, Auburn (Percy Street and Parramatta Road frontages) 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) Footpath along the Parramatta Road frontage shall be designed in accordance with the

- Council's Parramatta Road footpath paving requirements
- (c) Approved in writing by Council under Section 138 of the *Roads Act 1993*, prior to the issue of the Construction Certificate, and
 - (d) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
 - (e) 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)

37. 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)

38. 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)

39. 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)

40. 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)

41. 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)

42. DACCG05 - Off Street Car Parking - General

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

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

(Reason: Parking and access)

43. 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)

44. 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)

45. 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)

46. 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)

47. 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)

48. 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)

49. 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 Acoustic Logic, reference 20190648.1, dated 20 February 2020

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

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

50. DACCL06- Waste Storage Area

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

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

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

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

51. 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)

52. DACCZ01 - Amended Plans

Prior to the issue of a Construction Certificate, amended architectural and landscape plans are to be provided to Council's Executive Manager Development and Building for approval, incorporating the following amendments:

- a) Incorporation of more articulation to the building façade, with the inclusion of breakout terraces and balconies to the dining and function spaces that also incorporate sun shading benefits.
- b) The extension of the new sandstone cladding across the front of Level 1 rooms, over the entry and with the inclusion of a curved pergola structure, to improve the interface between the existing and new built forms.
- c) The extension of the pergola (as noted above) across the face of the lounge and café bar area, to soften this large void area.
- d) As part of the landscape strategy, incorporation of some public art to enhance the streetscape through visual interest and storytelling around this very prominent intersection.

(Reason: Cumberland Design Excellence Panel requirements.)

53. DACCZ02 - Street sign relocation works and Traffic Committee approval

A detailed plan showing the proposed changes to the street sign (existing 'No Stopping' sign) in Percy Street shall be prepared in consultation with Council's Traffic Section and shall be submitted to Local Traffic Committee for consideration and approval.

(Reason: to ensure street sign modifications are approved by Traffic Committee and comply with the regulatory requirements.)

Note: In general, the Local Traffic Committee consideration requires minimum six (6) weeks.

54. DACCZ03 - Parking layout design

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

- a) A pedestrian path of travel is to be identified within the site to direct pedestrians from the at-grade parking spaces located within proposed Lot 2, to the hotel site.
- b) Turning area shall be provided at the blind aisle near car parking spaces H13 and H14.
- c) Blind aisle extension shall be provided for car parking space EX_F61.
- d) Convex mirrors shall be provided to improve the sight distance for parking spaces where sight distance is restricted by wall or other obstructions.
- e) Detail swept path analysis shall be provided to ensure that the cars can pass each other simultaneously near parking space EX_F33 along the two-way circulation aisle.
- f) Proposed light commercial van loading area shall be modified to comply with Section 4.10 of the Australian standard AS2890.1.
- g) Driveway access ramp design including grades, transitions and headroom details shall comply with Australian standard AS2890.1 and AS2890.6.
- h) Proposed easement extend details shall be annotated on the architectural plans.
- i) Parking spaces EX_H40 to EX_H51 and EXF_86 to EXF_89 shall be annotated as staff parking as per traffic report.
- j) Substation easement shall be minimum 2.0m from the driveways.

(Reason: to ensure basement design complies with Australian standard AS2890.1 and AS2890.6.)

55. DACCZ04 - Stormwater disposal - Council approval

The proposed stormwater system shall be generally in accordance with the stormwater concept plans 02153_100, 02153_201, 02153_202, 02153_601 and 02153_651 prepared by C&M Consulting Engineers.

Amended stormwater plan addressing following shall be submitted to and approved by Cumberland

Council's Executive Manager Development and Building:

- i. Details of the existing stormwater pipe from the OSD outlet to Council's street drainage system shall be annotated on the plan. Appropriate easements shall be created as part of the subdivision. Proposed easement details shall be annotated on the plans.
- ii. Detail calculation shall be provided to ensure the downstream pipe capacity is adequate for proposed development in addition to the existing stormwater flows within the pipe from the proposed Lot 2.
- iii. Landscape and paved areas bypassing the OSD system shall be collected and discharged by gravity pipe system.
- iv. Stormwater overflow from the rainwater tank shall be connected to discharge control pit. Flap shall be provided to prevent the backwater effect.
- v. Dry platform shall be clearly shown on the plan.
- vi. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- vii. Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.

(Reason: to prevent localised flooding)

56. DACCZ05 - 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 02153_100, 02153_201, 02153_202, 02153_601 and 02153_651 prepared by C&M Consulting Engineers.
- 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:
- viii. Details of the existing stormwater pipe from the OSD outlet to Council's street drainage system shall be annotated on the plan. Appropriate easements shall be created as part of the subdivision. Easement details shall be annotated on the plans.
- ix. Landscape and paved areas bypassing the OSD system shall be collected and discharged by gravity pipe system.
- x. Stormwater overflow from the rainwater tank shall be connected to discharge control pit. Flap shall be provided to prevent the backwater effect.
- xi. Dry platform shall be clearly shown on the plan.
- xii. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- xiii. 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.
- xiv. OSD shall be clear of building floor and roof areas.

(Reason: to prevent localised flooding)

57. DACCZ06 - 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.

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

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

58. DACCZ07 - 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.)

59. DACCZ08 - Ramp gradients

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

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

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

60. DACCZ09 - 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

61. 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)

62. 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)

63. 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)

64. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

65. 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)

66. 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)

67. 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
<i>Corymbia citriodora</i> x6	Within property boundary
<i>Corymbia maculata</i> x2	Within property boundary
<i>Eucalyptus microcorys</i> x2	Within property boundary
<i>Eucalyptus botryoides</i> x1	Within property boundary

The fencing must extend 7.2m 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)

68. DAPCB04 - Removal of Trees

The following trees are approved for removal:

Species	Location
<i>Corymbia citriodora</i>	Within property boundary
<i>Melaleuca quinervia</i> x12	Within property boundary
<i>Eucalyptus nicholii</i> x1	Within property boundary
<i>Eucalyptus paniculata</i> x1	Within property boundary
<i>Eucalyptus spp.</i> x1	Within property boundary
<i>Syzygium paniculatum</i> x1	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)

Conditions which must be satisfied during any development work

69. 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)

70. 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)

71. DADWA04 - Unexpected find of Acid Sulphate Soils

- 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.
- 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)

72. 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)

73. 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.)

74. 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)

75. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

76. 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)

77. 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)

78. 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)

79. 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)

80. 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)

81. 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)

82. 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)

83. 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)

84. DADWC02 - Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).

(Reason: Prescribed statutory control)

85. 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)

86. DADWC06- Air Conditioning Units - Location

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

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

87. 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)

88. 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

89. 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)

90. -DAOCZ02 – Registration of subdivision

Prior to the issue of any Occupation Certificate, evidence of the registration of the subdivision creating proposed Lots 1 and 2 and associated easement/s with NSW Land Registry Services, is to be provided to the Principal Certifier.

(Reason: To ensure the orderly development of the site.)

91. DAOCA02 - Final Clearance

A final clearance is to be obtained from the relevant energy service provider if clearance has not previously been obtained.

(Reason: To ensure power is available for the site)

92. DAOCA03 - S73 Compliance Certificate

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

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

93. 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)

94. DAOCA08 - Certification of Engineering Works

Prior to the issue of the Occupation Certificate, 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)

95. 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)

96. 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)

97. 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.

Footpath along the Parramatta Road frontage shall be reconstructed in accordance with the Council's Parramatta Road footpath paving requirements.

All costs shall be borne by the Applicant.

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)

98. 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)

99. DAOCB03 - Installation requirements for Water Cooling Systems

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

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

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

100. 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:

All recommendations contained in the DA acoustic report prepared by Acoustic Logic, reference 20190648.1, dated 20 February 2020 have been implemented, and

- (a) 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)

101. 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)

102. 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)

103. DAOCZ01 - Street sign relocation works

Street signs modification works shall be completed as approved by the Cumberland City Council Traffic Committee at no cost to Council to the satisfaction of Council.

(Reason: to ensure street sign modifications are installed as approved by Traffic Committee.)

Conditions which must be satisfied prior to the issue of any Subdivision Certificate

104. ~DASCA04 - Application for Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services.

(Reason: To comply with statutory requirements)

105. DASCA05 - Section 73 Compliance Certificate from Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The original Section 73 Certificate must be presented to the Principal Certifier prior to the issue of Subdivision Certificate.

(Reason: To comply with statutory requirements)

106. DASCB02 - Easement for Services

Prior to the issue of a Subdivision Certificate, an easement for services is to be created in favour of Lot 1 and burdening Lot 2 of the development. All costs associated with the creation and carrying out works within the easement/s shall be borne by the Applicant.

(Reason: To ensure the site can be serviced)

107. DASCZ01 - Easement creation - drainage and parking

Easements for drainage and parking shall be created in favour of proposed Lot 1 through proposed Lot 2, to permit the legal disposal of stormwater to Council's system and to allow for the parking within proposed Lot 2. Documents relative to the creation of the easement(s) shall be lodged with NSW Land Registry Services. All costs associated with the creation of the easement shall be borne by the Applicant. In this regard:

- a) Council shall be nominated as an authority to vary or modify the above easements.
- b) Easement documents shall be submitted and approved by Council prior to lodge the documents with NSW Land Registry Services.
- c) Details of the existing/proposed stormwater pipe from the OSD outlet to Council's street drainage system shall be annotated on the plan.
- d) Details of the proposed parking spaces and vehicular access from the street shall be annotated on the subdivision plan.
- e) Swept path analysis shall be submitted to ensure adequate right of way is created for the use of parking spaces.

Copy of the registered easement(s) and details of the stormwater pipe through the easement, including longitudinal of the stormwater pipe shall be submitted to Council.

Reason: To ensure easements for parking and drainage are created.

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

108. DAOUA10 - Removal of Litter and Graffiti

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

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

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

109. DAOUA14 - Hours of Business Operation

The approved hours of operation are:

<i>Primary hotel use</i>	Monday to Sunday (inclusive) 24 hours
<i>Café/lounge and dining room</i>	Monday to Sunday (inclusive) 6am to 1am the following day
<i>Conference facilities</i>	Monday to Sunday (inclusive) 9am to 1am the following day

(Reason: Ensure business operates between approved hours)

110. DAOUA19- Lighting Nuisance

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

(Reason: Environmental amenity)

111. DAOUA20 - Loading

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

(Reason: Adequate servicing)

112. DAOUA24 - Seating Capacity

A sign shall be erected in a prominent position in the premises stating the 247 seat maximum seating capacity of the approved function centre.

(Reason: Compliance)

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

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

Flashing or Moving Signs

Signage must not flash or have any moving components.

Intensity of Sign Illumination

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

Wiring

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

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

114. DAOUA26 - Plan of Management

A Plan of Management to govern the use of the hotel shall be prepared and submitted to Council's Executive Manager Development and Building for approval prior to the issue of an Occupation Certificate. The plan shall include (but not be limited to) the following detail:-

- a) How the hotel will be managed (i.e. bookings restrictions) to ensure that employees and guests of the facility do not park their cars on the street;
- b) How loading and unloading operations are to be managed;
- c) Proposed security measures to restrict access to the basement car park and other areas of the development to employees and guests;
- d) A process for registering and managing complaints regarding noise, parking, or other impacts in the locality resulting from the use of the hotel;

The use of the hotel is to be carried out in accordance with the Plan at all times. Any changes to the Plan are to be approved by Council prior to implementation.

(Reason: To ensure the use operates in a satisfactory manner.)

115. DAOUB01 - Annual Fire Safety Statement

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

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

- a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- b) Prominently displayed in the building

(Reason: Fire safety)

116. DAOUC03 - Microbial Control

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

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

(Reason: Health and safety)

117. DAOUC11 - Cooling Water System - Risk Assessment Required

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

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

118. DAOUC12 - Notification of Warm Water and Cooling Water Systems

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

(Reason: To ensure premises are notified to Council)

119. DAOUC14 - General Noise Emission Criteria

- a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
- b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
- c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.

Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity)

120. DAOUC18 - No speakers or Amplified Sound Equipment Outside

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

(Reason: To protect residential amenity)

121. 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)

122. DAOUE03 - Parking

At least 140 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 use of the premises.

(Reason: Access to required car parking spaces)

123. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

124. DAOUF05 - Patron Behaviour - Security Staff

The Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, Management is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner. The Management will employ private security staff to ensure that this condition is complied with to the satisfaction of Council.

(Reason: Amenity, health and safety)

125. DAOUF07 - Security Management Plan

Management must ensure the implementation of the Security Management Plan, which specifies security patrol, surveillance and other security and response methods, and security management of the public and private domain within and surrounding the site.

(Reason: Amenity, health and safety)

126. DAOUZ01 - Use of Gym and Pool facilities

The building is to be used for hotel accommodation only and is not to be altered or adapted for another use without the prior consent of Council.

Use of the gym and pool are restricted to hotel guests and employees.

The exterior of the building is to contain no advertising for the gym and pool located within the hotel premises.

(Reason: No car parking has been provided on site for the gym and pool components of the development.)

127. DAOUZ02 - Size limit of delivery vehicles

The largest vehicles making deliveries to the 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.)

128. DAOUZ03 - Use of parking spaces

Parking spaces EX_H40 to EX_H51 and EXF_86 to EXF_89 shall be used as staff parking.

(Reason: to ensure parking space allocations comply with the traffic report.)

129. DAOUZ04 - Convex safety mirrors

Convex safety mirrors shall be provided at the appropriate locations within the car parking areas as identified on the approved plans and shall be maintained in good condition at all times.

(Reason: to improve the sight distance.)

130. DAOUZ05 - 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.)

131. DAOUZ06 - OSD maintenance schedule

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

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

132. DAOUZ07 - 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.)

Advisory Notes

133. DAANN01 - Dial Before You Dig

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



134. 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>.

135. 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.

136. 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.

137. 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.

138. 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.

139. DAANN11 - Signage Approval

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

140. 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.

141. DAANN13 - Work Health and Safety

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

142. 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)