

## DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

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<b>Application No:</b>	DA2021/0092
<b>Applicant:</b>	Pheonix Builders Pty Ltd PO Box 342 EARLWOOD NSW 2206
<b>Property Description:</b>	4 Railway Street LIDCOMBE NSW 2141, 10-12 Railway Street LIDCOMBE NSW 2141, 6-8 Railway Street LIDCOMBE NSW 2141 Lot 1 DP 397, Lot 6 DP 397, Lot 7 DP 397, Lot 8 DP 397, Lot 38 DP 222712, Lot 100 DP 793305, Lot 101 DP 1248142
<b>Development:</b>	Construction of four (4) mixed-use buildings ranging in height from 2 to 18 storeys, comprising commercial/retail uses and 301 residential apartments over four (4) basement car park levels accommodating 514 car spaces, site remediation, landscaping works, and associated Stratum subdivision
<b>Determined by:</b>	Sydney Central City Planning Panel

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### CONDITIONS OF CONSENT

#### Deferred Commencement Conditions

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

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

(Reason: Statutory requirement)

##### Schedule 'A'

##### 2. DADCA02 - Easement Creation

Drainage easement(s) shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to Council's system. Documents relative to the creation of the easement(s) shall be lodged with NSW Land Registry Services, with registration being effected prior to Schedule "B" conditions becoming operational. All costs associated with the creation of the easement shall be borne by the applicant.

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

Stormwater through the easement shall have minimum 1% grade.

(Reason: To ensure legal means of discharge stormwater via gravity and prevent localised flooding)

##### 3. DADCZ01 - Sydney Trains

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

**A1.** The Applicant shall prepare and provide to Sydney Trains for review, comment and written endorsement the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and rail corridor land.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
6. If required by Sydney Trains, a Monitoring Plan.

Any conditions issued as part of Sydney Trains endorsement of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

(Reason: Sydney Trains requirements)

## General Conditions

### 4. 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)

### 5. DAGCA02 - Approved Plans and Supporting Documents

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

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Revision</b>	<b>Prepared By</b>	<b>Dated</b>
Pn-17005 / A-1000	Basement 4 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1010	Basement 3 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1020	Basement 2 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1030	Basement 1 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1040	Ground Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1050	Level 1 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1060	L2 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1070	L3 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1080	L4 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1090	L5 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1100	L6 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1110	L7 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1120	L8 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1130	L9 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1140	Level 10 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1150	L11 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1160	L12 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1170	L13 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1180	L14 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1190	L15 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1200	L16 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1210	L17 Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-1220	Roof Floor Plan	D	Loucas Architects	30/07/2021
Pn-17005 / A-2000	Elevations 01	D	Loucas Architects	30/07/2021
Pn-17005 / A-2100	Elevations 02	D	Loucas Architects	30/07/2021
Pn-17005 / A-2200	Elevations 03	D	Loucas Architects	30/07/2021

Pn-17005 / A-2300	Elevations 04	D	Loucas Architects	30/07/2021
Pn-17005 / A-2400	Elevations 05	D	Loucas Architects	30/07/2021
Pn-17005 / A-2500	Elevations 06	D	Loucas Architects	30/07/2021
Pn-17005 / A-2550	Elevation Detail	D	Loucas Architects	30/07/2021
Pn-17005 / A-3000	Section A-A	D	Loucas Architects	30/07/2021
Pn-17005 / A-3100	Section B-B	D	Loucas Architects	30/07/2021
Pn-17005 / A-3300	Driveway Section 01 Loading Dock Driveway	D	Loucas Architects	30/07/2021
Pn-17005 / A-3400	Driveway Section 02 Car Park Driveway	D	Loucas Architects	30/07/2021
Pn-17005 / A-3500	Driveway Section 03 Car Park Driveway	D	Loucas Architects	30/07/2021
Pn-17005 / A-7000	Adaptable/Liveable Unit Details 01	D	Loucas Architects	30/07/2021
Pn-17005 / A-7005	Adaptable/Liveable Unit Details 02	D	Loucas Architects	30/07/2021
2020117 / LD DA100	Landscape Ground Floor Plan	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA100	Landscape Ground Floor Plan	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA200	Landscape Level 1 Plan	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA200	Landscape Level 1 Plan	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA300	Rooftop Landscape Plans	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA300	Rooftop Landscape Plans	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA400	Typical Plans	2	LAND [FORM] STUDIOS	21/07/2021
2020117 / LD DA500	Section DD	2	LAND [FORM] STUDIOS	21/07/2021
200487 / 000	Cover Sheet Plan	E	Australian Consulting Engineers	14/12/2020
200487 / 101	Stormwater Concept Plan Basement Level 4 Sheet 1 of 2	B	Australian Consulting Engineers	14/12/2020
200487 / 102	Stormwater Concept Plan Basement Level 4 Sheet 2 of 2	C	Australian Consulting Engineers	14/12/2020
200487 / 103	Stormwater Concept Plan Basement Level 3	C	Australian Consulting Engineers	14/12/2020
200487 / 104	Stormwater Concept Plan Basement Level 2	C	Australian Consulting Engineers	14/12/2020
200487 / 105	Stormwater Concept Plan Basement Level 1	G	Australian Consulting Engineers	14/12/2020
200487 / 106	Stormwater Concept Plan Ground Floor	G	Australian Consulting Engineers	14/12/2020
200487 / 107	OSD Details and Calculation Sheet	F	Australian Consulting Engineers	14/12/2020

200487 / 108	Oil Separator Detail Sheet	C	Australian Consulting Engineers	14/12/2020
200487 / 109	Sediment & Erosion Control Plan & Details	A	Australian Consulting Engineers	14/12/2020
1161888M_03	BASIX Certificate	-	Certified Energy	10/02/2021
2020-311	Noise & Vibration Management Plan during the Demolition, Excavation and Construction of No. 4-12 Railway Street, Lidcombe	-	Acoustic Noise & Vibration Solutions P/L	29/01/2021
2020-311	Acoustic Report – Noise and Vibration Near Railway Lines and Environment For Proposed Development at NO. 4-12 Railway Street, Lidcombe	-	Acoustic Noise & Vibration Solutions P/L	24/11/2020
E23428.E06	Remediation Action Plan	0	EI Australia	2/02/2021

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

**6. DAGCZ06 - Staging of construction works**

The development shall be completed in stages, in accordance with the endorsed Staging Plan, as listed within Condition No. 5, from the date of this development consent, unless otherwise submitted to and approved by the Cumberland City Council Executive Manager Development and Building.

(Reason: to confirm and clarify the terms of this development consent)

**7. DAGCZ07 - Staging requirements**

Unless otherwise specified, the conditions contained within this development consent shall apply separately and individually to each and every single stage of the development. In this regard, all construction works are to be completed in accordance with the endorsed Staging Plan, unless otherwise submitted to and approved by the Cumberland City Council Executive Manager Development and Building.

For the avoidance of doubt, the following works are to be provided for each stage:

<b>STAGE</b>	<b>WORKS</b>
<b>1</b>	Basements Ground Floor Level of Buildings A, B, C and D Building D
<b>2</b>	Building A Level 1 Communal Open Space
<b>3</b>	Building B
<b>4</b>	Building C

(Reason: to ensure essential services and facilities are available to the site to facilitate subsequent stages)

**8. DAGCZ08 - Compliance with terms of the Voluntary Planning Agreement (VPA)**

The developer shall comply in full with the terms as specified in the executed 'Planning Agreement 4-12 Railway Street, Lidcombe' (as amended).

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

**9. DAGCA07 - Separate Approvals**

Separate Development Approval shall be obtained for the fitout and use of the commercial/retail tenancies.

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

**10. 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)

**11. 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)

**12. 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)

**13. DAGCB04 - Street Numbering of Lots and Units**

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council. Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of property for emergency services and mail deliveries)

**14. 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)

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

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

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

**16. 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)

**17. DAGCD07 - Waste Management**

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

(Reason: Compliance with approval)

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

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

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

**19. 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)

**20. 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)

**21. DAGCZ04 - 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)

**22. DAGCZ05 - Basement drainage system**

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

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

(Reason: to prevent localised flooding)

**23. DAGCZ01 -Sydney Trains**

- a. The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines".
- b. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
- c. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- d. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- e. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- f. Sydney Trains advises there are High Voltage Aerial Transmission Lines in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
  - ISSC 20 - Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 - Working Around Electrical Equipment".
  - "WorkCover Code of Practice - Work near Overhead Power Lines (The Code)"
- g. Sydney Trains advises they have several power poles (including a support pole) associated with the 11kV and 33kV High Voltage Aerial Transmission Lines in close proximity to the proposed works. Prior to the issue of a Construction Certificate, the Applicant shall undertake consultation with Sydney Trains and provide for review, comment and written endorsement:
  - i. Documentation to Sydney Trains satisfaction detailing physical barrier safety measures intended to protect the poles during all works; including bulk earthworks, construction and post development. These measures shall be incorporated into a Construction Methodology.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- h. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and

catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

- i. During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) entering the railway corridor or affecting the High Voltage Aerial Transmission Line. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- j. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- k. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- l. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- m. A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.
- n. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.
- o. The Applicant/Developer shall not at any stage block the corridor access gates on Railway Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- p. No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- q. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.



- r. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- s. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- t. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- u. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- v. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- w. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- x. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).

(Reason: Sydney Trains requirements)

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

##### **24. 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)

##### **25. DAPDB13 - Sediment and Erosion Control Plan - Large sites**

A site specific Soil and Water Management Plan (also known as an Erosion and Sediment Control

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

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

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

#### **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. DACCM04 - Staging of development**

Prior to the commencement of each stage of the development, as identified in the endorsed Staging Plan, the following matters shall be addressed:

- a) Waste collection arrangements for each stage shall be submitted to and approved by Council's Waste Section.
- b) Safe pedestrian access to the public road/s and footpath/s shall be provided for each stage.
- c) Safe access to the basement shall be maintained for each stage.
- d) Traffic management and traffic control plans for each stage shall be submitted and approved.

The above details shall be submitted to and approved by the Principal Certifying Authority.

(Reason: to ensure each stage can operate safely and independently without unreasonably affected by construction of the other stages.)

#### **28. DACCZ02 - Raphael Street widening**

Prior to the issue of any Construction Certificate, detail design for the Raphael Street widening shall be submitted to and approved by the Cumberland City Council's Executive Manager Development and Building. In this regard:

- a) Detail design of roads including kerb and gutter and footpath, setting out plans, signposting and design contour plans and street lighting plans shall be submitted for assessment.
- b) Construction methodology and construction programme shall be submitted.
- c) Signposting and line marking plans shall be submitted to and approved by Council's Local Traffic Committee.
- d) Written approval from relevant authorities shall be obtained for the street lighting upgrade at the intersection and other required service adjustments.
- e) All the dimensions shall be marked on the plans.
- f) All the costs shall be borne by the Applicant.

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

#### **29. ~DACCD01 – Amended subdivision plan**

Prior to the issue of any Construction Certificate, an amended Subdivision Plan is to be provided to the Certifying Authority deleting Stratum Lot 105, noting that the creation of this lot is not supported by Council.

(Reason: To clarify the terms of this approval)

#### **30. DACCZ01 - Amended Landscape Plan**

Prior to the issue of any Construction Certificate, amended landscape plans are to be provided to Council for approval addressing the following matters:

1. The proposed trees located along the southern boundary, adjacent to the dedicated land for public reserve, are to replicate existing and proposed trees referenced in the Tree Management Plan with advanced trees. *Corymbia maculata* to be 75Lt or greater.
2. The proposed planting area marked GA through the deep soil zone (in the Landscape Ground Floor Plan, LD DA100), adjacent to Council's Friends Park and dedicated land for public reserve, to be planted with native low ground covers including:
  - a) *Grevillea lanigera* 'Mt Tamboritha'
  - b) *Dianella caerulea*
  - c) *Lomandra longifolia*
  - d) *Myoporum parvifolium* 'Yareena'
3. The proposed two (2) pathways which intersect the proposed planting area marked GA (in the Landscape Ground Floor Plan, LD DA100) are not supported as currently configured. In reference to the Tree Management Plan, a new three (3) to four (4) metre wide pedestrian pathway is to be provided, to provide linkage to the parkland in direct alignment to the rear main entry. Detailed design of the pathways pavement type and materiality shall be submitted to and approved by Council before finalisation of the landscape drawings.
4. Existing fencing along the extent of the southern boundary, adjacent to Council's Friends Park and dedicated land for public reserve, is to be removed and replaced with new continuous fencing. New replacement fencing is to be equal to a 1000mm high, p/c black, heavy duty flat top tubular steel pool type fence with 50mm<sup>2</sup> square section posts & rails, 25mm<sup>2</sup> square section intermediate verticals, and steel caps. The posts of the new fence shall be configured to allow for future opening across the extent of the new three (3) to four (4) metre wide pedestrian pathway such that it incorporates bolt down fixing on new pathway and posts located 50mm off each side of the new pathway edge. Locate pedestrian bollards behind the line of temporary fence on new pathway equal to SFA Slim Bollard B5 with dome head.
5. Detailed design and extent of public domain infrastructure across Railway and Raphael Streets shall be submitted to and approved by Council.

Note: the proposed street tree species, *Tristania laurina*, is supported.

(Reason: To address landscaping requirements for the development)

**31. DACCA05 – Consistency between documentation**

Prior to the issue of any Construction Certificate, the endorsed Landscape drawings need to be updated to match the Architectural drawing set. Inconsistencies to be addressed include the Railway Street tree planting, the commercial building courtyard and roof top planting, etc.

Amended landscape drawings are to be provided to and approved by Council's Executive Manager Development and Building, ensuring consistency between the landscape and architectural plans.

(Reason: Cumberland Design Excellence Panel requirement)

**32. ~DACCH04 - Privacy - Translucent Glass**

For building Levels 1 to 12, the windows on the Western elevation of Building A and the Eastern elevation of Building B, subject to a building separation distance of 8 metres, shall consist of translucent glass. Details shall be included on the Construction Certificate plans submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

(Reason: Amenity)

**33. ~DACCH01 - Translucent Glazing for Privacy in Wet Areas**

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

(Reason: Amenity)

**34. 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)

**35. 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)

**36. 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)

**37. 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)

**38. DACCB06 - Photographic Record of Council Property - Damage Deposit**

The applicant shall submit to Council prior to demolition commencing and/or issue of any Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site.

The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage occurred during the course of construction, Council may require either part or full re-instatement.

Failure to provide a full photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

(Reason: Maintain public assets)

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

Damage Deposit	\$6,660.00
Bond – Positive Covenant	\$6,290.00
TOTAL	\$12,950.00 + 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)

**40. DACCC02 - Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips

and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

#### **41. DACCC01 - Footpath Design Levels**

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for the relevant 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 relevant Construction Certificate.

Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public infrastructure)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent to 4 - 12 Railway Street, Lidcombe 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 relevant Construction Certificate.

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent to 4-12 Railway Street, Lidcombe are to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also, the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

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

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

#### **43. 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)

#### **44. 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)

#### **45. 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 the relevant 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)

#### **46. 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)

#### **47. DACCF04 - On Slab Landscaping**

The on slab landscaping shown on the approved landscaping plan is to be designed to include a

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

(Reason: To ensure the site landscaping thrives)

**48. DACCF05 - Tree Replacement**

The landscape plan submitted with the relevant Construction Certificate application shall incorporate the following replacement trees to ensure the preservation of the landscape character of the area.

Species	Location	Pot Size
<i>Acacia parramattensis</i> x4	Friends Park	45L

(Reason: Preservation of the landscape character of the area)

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

The following car parking and service vehicle requirements apply:-

- a) 514 car spaces shall be provided on the development site.
- b) This shall comprise of:-
- c) 335 residential spaces;
- d) 61 residential visitor spaces;
- e) 117 commercial/retail premises spaces; and
- f) 1 car wash bay.

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

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

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.

The parking bays shall be delineated by line marking.

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

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

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

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

(Reason: Parking and access)

**50. DACCL04- Residential Car Wash Bay**

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

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

(Reason: To protect the environment)

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

No approval is granted or implied for any encasing structures (i.e., blast walls or radiant heat shields)

associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

(Reason: Streetscape amenity)

**52. DACCI04- Site Cranes**

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

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

(Reason: Safety and statutory compliance)

**53. 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 relevant 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 relevant Construction Certificate.

(Reason: Adequate stormwater management)

**54. 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 relevant Construction Certificate.

(Reason: Protection of existing drainage infrastructure)

**55. DACCK01 - Dilapidation Report**

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

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

Please note:

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

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

**56. DACCK05 - Salinity**

This site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction measures are to be incorporated for all



dwelling/buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: Ensure appropriate construction methods are used)

**57. 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)

**58. DACCL01 - Electricity Substation**

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

(Reason: Access to utility)

**59. 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)

**60. 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 the relevant Construction Certificate.

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

**61. DACCL05- Compliance with Acoustic Report**

Prior to the issue of any 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 Noise & Vibration Solutions P/L dated 24 November 2020 reference 2020-311.

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)

**62. DACCL08 - Waste Storage Facilities and Management Strategy (Mixed Use Development)**

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

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

A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms; site collection approach including any required waste/recycling collection bays must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

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

**63. 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 the relevant 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)

**64. DACCZ03 - On street drainage design**

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

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

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

**65. DACCZ04 - Driveway alignment and quieting within Basement 1**

Prior to the issue of any Construction Certificate, amended architectural plans addressing the following shall be submitted to and approved by Principal Certifying Authority:

- a) Driveway/ramp shall be perpendicular to the Raphael Street alignment. In this regard, entry/exit driveway, substation and loading access shall be relocated minimum 1 metre in a southerly direction. The column and planter box shall be clear of the access ramp alignment. In this regard, amended architectural plans addressing the above shall be submitted to and approved by Principal Certifying Authority.
- b) Adequate queuing shall be provided within the site as per Table 3.3 of the Australian standard AS2890.1. Proposed queuing behind the intercom within the basement is not adequate. The queuing will interfere with the commercial traffic flow within basement 1.
- c) All the access ramps and circulation aisles shall be designed for two-way access. Width of the two-way (combined) straight driveway/ramp shall be a minimum 6.1 metres (5.5 metres plus 0.3 metres clearance either side). Dimensions shall be annotated on the plans.

(Reason: to improve the safety)

**66. DACCZ05 - Van loading area design and delivery access**

Prior to the issue of any Construction Certificate, amended plans addressing following shall be submitted to and approved by Principal Certifying Authority:

- a) Proposed loading area for vans shall be redesigned in accordance with Section 4.10 of the Australian standard AS2890.1.
- b) Delivery access from loading area to the retail/commercial tenancies shall be provided within the site. Delivery access from the loading area to COMM/RETAIL 2 shall be annotated on the plans.

(Reason: to ensure van loading area complies with AS2890.1 and delivery access provided within the site.)

**67. DACCZ06 - Stormwater disposal**

Prior to the issue of any Construction Certificate, documentation is to be provided to the Principal

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans 000 issue E, 101 issue B, 102 issue C, 103 issue C, 104 issue C, 105 issue G, 106 issue G, 107 issue F and 108 issue C prepared by Australian Consulting Engineers subject to changes made in red on the plans.
- ii. Onsite stormwater detention system shall be located outside the building floor areas.
- iii. Downstream easement and any changes to the drainage design shall comply with Schedule A approval. In this regard, stormwater plans shall be updated.
- iv. The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent and Council's (former Auburn) DCP shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
  - i. Onsite stormwater detention system shall be located outside the building floor areas.
  - ii. Stormwater discharge through the easement shall comply with the details approved as part of the deferred commencement condition. In this regard, stormwater plan shall be updated.
  - iii. Dry platform shall be clearly shown on the plan.
  - iv. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
  - v. Grated drains shall be provided directly behind the flap as per Council's standard Drawings.
  - vi. OSD shall be clear of building floor and roof areas.

(Reason: to prevent localised flooding)

**68. DACCZ07 - Parking layout**

Parking layout shall comply with Australian standard AS2890.1 and AS2890.6. In this regard, detail plans showing all necessary dimensions shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

Copy of the approved plans shall be submitted to Council.

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

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

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

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

(Reason: to ensure headroom complies with AS2890)

**70. DACCZ09 - Ramp gradients**

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

Copy of the approved plan shall be submitted to Council.

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

**71. DACCZ10 - Headroom clearance**

Prior to the issue of any Construction Certificate, plans demonstrating that headroom clearance complies with section 5.3 of the Australian Standard AS2890.1:2004 are to be provided to the Principal Certifying Authority. In accordance with AS2890.1:2004 minimum 2.2 metre 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**

**72. 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)

**73. DAPCA02 - Home Building Compensation Fund**

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

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

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

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

with written notice of the updated information.

(Reason: Statutory requirement)

**74. 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)

**75. 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)

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

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

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

(Reason: Statutory requirement)

**77. 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)

**78. 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)

**79. DAPCB03 - Protection of Landscape Features**

To limit the potential for damage to the following trees 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 maculata</i> x11	Rear of site

The fencing must extend 5.6m 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)

#### 80. **DAPCB04 - Removal of Trees**

The following trees are approved for removal:

Species	Location
<b><i>Corymbia maculata</i> x1</b>	Friend Park
<b><i>Eucalyptus tereticornis</i> -Forest redgum</b>	Within property boundary
<b><i>Prunus Spp.</i> - ornamental cherry</b>	Within property boundary

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

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

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

#### 81. **DAPCZ01 - Tree Management Plan**

A Tree Management Plan, in relation to the existing trees located along the southern boundary adjacent to Council's Friends Park, is to be prepared by a qualified Arborist and submitted to Council for approval, prior to the commencement of works. The plan is to consider:

- overall tree thinning and pruning;
- potential to incorporate a new three (3) to four (4) metre wide pedestrian pathway to provide linkage to the parkland in direct alignment to the rear main entry of the development;
- potential for an additional native tree species to be planted to infill the mid strata level canopy including species and number; and
- potential for the replication of trees for planting eastwards along the southern boundary adjacent to dedicated land for public reserve.

(Reason: To ensure the management of existing trees)

#### 82. **DAPCC02 - Dewatering (groundwater/water table)**

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

- Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request;
- A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:
  - State why de-watering is necessary and confirm any required approvals;
  - Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
  - Detail the proposed de-watering technique;
  - Outline anticipated dewatering flow rate and total dewatering duration;
  - Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to ensure compliance with conditions of approval and requirements of the Protection of the Environment Operations Act 1997;
  - Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;
  - Records are to be kept on site at all times and be available to the appropriate regulatory

- authority upon request;
- viii. Provide a contingency plan in case of emergency situation;
- ix. Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMAC 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;
- x. State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
- xi. State that the water quality monitoring will be self-certified by an experienced water quality expert.
- xii. State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

**83. DAPCZ02 - Downstream consent for the drainage works**

Prior to commencement of any works within the downstream site, written consent shall be obtained from the downstream site owners for the stormwater works within the downstream site.

(Reason: to ensure written consent is obtained for the stormwater works within the downstream site)

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

**84. 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)

**85. 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)

**86. DADWA04 - Unexpected find of Acid Sulphate Soils**

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

(Reason: Environmental protection)

**87. 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)

**88. 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.)

**89. 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)

**90. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

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

All demolition, excavation and construction works carried out on the premises which form part of this



consent must be carried out in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

**92. 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)

**93. 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)

**94. DADWA17 - Notification of New Contamination Evidence**

- (a) Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland City Council.
- (b) Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.
- (c) Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Cumberland City Council by the Auditor confirming the site is now suitable for the proposed use.

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

**95. 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)

**96. 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)

**97. DADWB02 - Tree Protection**

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

(Reason: Tree preservation)

**98. DADWB06 - Tree Preservation - Driveway or Paving Works within the Tree Protection Zone (TPZ)**

For approved driveway and or paving works within the Tree Protection Zone, as defined in section 3 of AS 4970 - 2009 'Protection of Trees on Development Sites' of trees to be retained, the driveway/paving must be constructed to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an AQF Level 5 Project Arborist to the satisfaction of the Accredited Certifier:

Species	Location
<i>Corymbia maculata</i> x11	Rear of site

(Reason: Tree preservation)

**99. DADWC01 - Obstruction of Road or Footpath**

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

(Reason: Protection of infrastructure, safety & information)

**100. 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)

**101. 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)

**102. DADWC05 - Salinity**

The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the Accredited Certifier has confirmed that all required construction measures addressing salinity (as required by this consent and accompanying Construction Certificate) have been carried out.

(Reason: To ensure required construction measures addressing salinity are carried out)

**103. 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)

**104. 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)

**105. 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)

**106. DADWZ01 - Tree protection - Friends Park interface**

Existing trees located along the southern boundary, adjacent to Council's Friends Park, are to be retained and protected for the duration of development works. Any development works within the tree protection zone (TPZ) of existing trees shall be in accordance with AS 4970-2009 and include verified supervision by a level 5 arborist.

(Reason: To ensure the retention and protection of trees along the Friends Park interface with the site)

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

**107. 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)

**108. 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)

**109. DAOCA03 - S73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of

water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

**110. 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)

**111. DAOCA06- Adaptable Housing**

A signed checklist as per Appendix A of AS4299-1995 confirming that a minimum of 31 units (from Units B1.08, B2.01, B3.01, B4.01, B5.01, B6.01, B7.01, B8.01, B9.01, B10.01, B11.01, B12.01, B13.01, B14.01, B15.01, B16.01, B1.02, B2.02, B3.02, B4.02, B5.02, B6.02, B7.02, B8.02, B9.02, B10.02, B11.02, B12.02, B13.02, B14.02, B15.02 and B16.02) have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

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

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

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

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

The abovementioned Certificate is to certify that:

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

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

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

(Reason: Asset management)

**113. 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)

**114. 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)

**115. 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. Details shall be obtained from Council Engineering Section.

The above works must be constructed prior to the release of any Occupation Certificate.

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

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

**116. 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)

**117. DAOCB04 - Acoustic Verification Report**

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

- (a) All recommendations contained in the DA acoustic report prepared by Acoustic Noise & Vibration Solutions P/L dated 24 November 2020 reference 2020-311 have been implemented, and
- (b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

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

(Reason: To protect residential amenity)

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

- (a) The site must be remediated and validated in accordance with the approved Remediation Action Plan (RAP) prepared by EI Australia, dated 2 February 2021, reference E23428.E06\_Rev0. If any variations need to be made to the approved RAP, these must be approved by a suitably qualified environmental consultant, and a copy of the amended RAP must be provided to the PCA and

Cumberland Council, prior to commencement of any such works. Where the variation alters the approved development consent plans, appropriate prior approval from Cumberland Council must be sought for the changes.

- (b) Prior to the issue of any Occupation Certificate:
  - a. A Validation Report is to be prepared by a suitably qualified environmental consultant in accordance with the Contaminated Land Management Act 1997 and any relevant guidelines endorsed by the NSW EPA. The report is to satisfactorily document the following:
    - i. The extent of validation sampling, and the results of the validation testing;
    - ii. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan prepared by EI Australia dated 2 February 2021, reference E23428.E06\_Rev0.
    - iii. That the site is suitable for the proposed use.
  - b. A copy of the Validation Report must be submitted to the PCA and to Cumberland Council.
- (c) If site suitability is contingent on implementation and compliance with a long term environmental management plan (EMP) with respect to management of residual contamination on site, then:
  - a. A copy of this EMP must be submitted to Cumberland Council along with the Validation Report, prior to issue of any Occupation Certificate; and
  - b. The owner of the land is required to comply with all ongoing obligations of the EMP.

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

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

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

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

**120. DAOCF03 - Arborist's Report - Follow up**

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

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

(Reason: Ensure survival of trees to be retained)

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

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

**122. DAOCH03 - OSD Identification Plate**

Prior to the issue of a Final Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the On-site Stormwater Detention (OSD) system. This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The wording and plate shall be in accordance with Council's standard requirements.

(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)

**123. DAOCH04 - Evidence of Consolidation**

The existing allotments being Lot 1 DP 397, Lot 6 DP 397, Lot 38 DP 222712, Lot 100 DP 793305 and Lot 101 DP 1248142, shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the NSW Land Registry Services must be submitted to Council prior to the issue of the Occupation Certificate.

(Reason: Information)

**124. DAOCZ01 - On street drainage construction**

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

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

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

**125. DAOCZ02 - Land dedication and construction of Raphael Street widening**

Prior to the issue of any Occupation Certificate, a clearance letter shall be obtained from Cumberland City Council's Executive Manager Development and Building for the following:

- a) Widening of Raphael Street shall be completed to the satisfaction of Cumberland City Council's Executive Manager Development and Building.
- b) A 2.5 metre wide land along the Raphael frontage of the development shall be dedicated to Council.
- c) Public right of way shall be created over the 2.5mx2.5m splay at the Raphael Street and Railway Street corner. Appropriate terms, to the satisfaction of Council, shall be incorporated to indemnify Council of the any damaged to structures from water entering from the right of way area.
- d) All the cost associated with the Raphael Street widening and streetscape works, including any service adjustments and street lighting, and minimum 12 month maintenance shall be borne by the Applicant.
- e) All associated inspections shall be carried out by Council.
- f) The above land dedication shall be at no cost to Council.
- g) The maintenance period for road and streetscape works shall be a minimum 12 months.

(Reason: to ensure construction works and land dedication comply with Council requirements)

**126. DAOCZ03 - On street drainage construction**

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

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

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

**127. DAOCZ04 - Structural engineering certificate**

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

(Reason: to ensure the construction is structurally adequate)

**128. DAOCZ05 - Maintenance schedule - OSD**

Prior to the issue of any 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)

**129. DAOCZ06 - Satisfaction of terms of Voluntary Planning Agreement**

Written correspondence from Council's Executive Manager Development and Building is to be obtained and provided to the Certifying Authority prior to the issue of the first Occupation Certificate to confirm that the works detailed in the executed 'Planning Agreement 4-12 Railway Street, Lidcombe' (as amended) have been completed in accordance with the terms of the VPA.

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

**130. DAOCZ07 - Park dedication**

Prior to the issue of any Occupation Certificate, confirmation in the form of a clearance letter shall be obtained from Cumberland City Council's Executive Manager Development and Building with respect to the land dedication for the park as required by the executed planning agreement.

(Reason: To ensure land dedication as required by the executed VPA)

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

**131. 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)

**132. DASCA03 - Prior to Issue of Subdivision Certificate**

Prior to the issuing of any Subdivision Certificate under the Strata Schemes Development Act 2015, and in accordance with the Strata Schemes Development Regulation 2016, the Principal Certifier is required to be satisfied that:

- a) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
- b) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and



- c) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, the Principal Certifier must inspect the building, and the common property areas around the building, so as to be satisfied, that the above requirements have been met.

Prior to the issue of the Subdivision Certificate the Accredited Certifier must be satisfied that:

All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and

Any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

(Reason: Statutory Requirements)

**133. 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](http://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)

**134. DASCZ01 - On-site detention**

The following matters shall be addressed in the final subdivision plan:

- a) On site detention storage locations and extent of storages shall be shown on the final subdivision linen plan.

(Reason: to identify the OSD on the linen plans)

**135. DASCZ02 - Parking allocations**

Detailed calculations shall be provided to show that parking allocations for each stratum lot complies with the requirements of this development consent.

The above details shall be submitted to and approved by Cumberland City Council.

(Reason: to ensure parking allocations for each stratum lot comply with the requirements of this development consent)

**136. DASCZ03 - Satisfaction of terms of Voluntary Planning Agreement (VPA)**

Written correspondence from Council's Executive Manager Development and Building is to be obtained and provided to the Certifying Authority prior to the issue of the first Subdivision Certificate to confirm that the works detailed in the executed 'Planning Agreement 4-12 Railway Street, Lidcombe' (as amended) have been completed in accordance with the terms of the VPA.

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

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

**137. 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)

**138. DAOUC19- Waste Management Plan**

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

**139. ~DAOUC22 - Car Wash Residential**

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

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

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

(Reason: To protect the environment)

**140. 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)

**141. DAOUE03 - Parking**

At least 514 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)

**142. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**143. DAOUZ01 - Annual maintenance inspection of OSD**

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

- 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)

**144. DAOUZ02 - Convex safety mirror**

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

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

(Reason: to improve the sight distance)

**145. DAOUZ03 - Limit of the delivery trucks**

The largest vehicles making deliveries to the commercial/retail premises shall be limited to Heavy Rigid Vehicle (HRV) as defined in Australian standard AS2890.2.

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

**146. DAOUZ04 - Loading and unloading of vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading

areas and not on access driveways, car parking spaces or landscaped areas.

(Reason: to ensure delivery vehicles do not obstruct these designated areas of the site)

## **Advisory Notes**

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

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



### **148. 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>.

### **149. DAANN03 - Dividing Fences**

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

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

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

### **150. 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.

### **151. 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.

### **152. 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.

**153. 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.

**154. 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'.

**155. 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.

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

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

**157. 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)