

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2021/0435
Applicant:	Multiple Sclerosis Limited (MSL) C/- Accuraco Project Management Level 10 580 George Street SYDNEY NSW 2000
Property Description:	80 Betty Cuthbert Drive Lidcombe. Lot 74 DP 1141724
Development:	Construction of a part one (1), part two (2) and part three (3) storey Multiple Sclerosis (MS) Wellbeing Centre inclusive of 20 x 2 bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal.
Determined by:	Sydney Central City Planning Panel.

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**

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

(Reason: Advisory)

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

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
Drawing Number Arda 0001 Rev 02	Reference Plan for Future Subdivision	DEM Planning, Urban Design, Architecture, Interior Design	22/4/2021
Drawing Number Arda 0101 Rev 02	Site Location	DEM Planning, Urban Design, Architecture, Interior Design	28/4/2021
Drawing Number Arda 0201 Rev 04	Site Plan	DEM Planning, Urban Design, Architecture, Interior Design	8/10/2021
Drawing Number Arda 1201 Rev 03	Ground Floor Plan	DEM Planning, Urban Design, Architecture, Interior Design	6/10/2021
Drawing Number Arda 1202 Rev 02	First Floor Plan	DEM Planning, Urban Design, Architecture, Interior Design	6/5/2021
Drawing Number Arda 1203 Rev 02	Second Floor Plan	DEM Planning, Urban Design, Architecture, Interior Design	6/5/2021
Drawing Number Arda 1204 Rev 02	Roof Plan	DEM Planning, Urban Design, Architecture, Interior Design	6/5/2021

Drawing Number Arda 2101 Rev 03	Sections	DEM Planning, Urban Design, Architecture, Interior Design	6/10/2021
Drawing Number Arda 2102 Rev 02	Sections	DEM Planning, Urban Design, Architecture, Interior Design	21/4/2021
Drawing Number Arda 2600 Rev 03	Elevations Sheet 1	DEM Planning, Urban Design, Architecture, Interior Design	6/10/2021
Drawing Number Arda 2601 Rev 02	Elevations Sheet 2	DEM Planning, Urban Design, Architecture, Interior Design	21/4/2021
Drawing Number Arda 2602 Rev 02	Elevations Sheet 3	DEM Planning, Urban Design, Architecture, Interior Design	21/4/2021
Drawing Number Arda 2800 Rev 01	Building Identification Signage	DEM Planning, Urban Design, Architecture, Interior Design	16/4/2021
Drawing Number Arda 2803 Rev 01	Schedule of External Colours and Finishes Sheet 1	DEM Planning, Urban Design, Architecture, Interior Design	16/4/2021
Drawing Number Arda 2804 Rev 01	Schedule of External Colours and Finishes Sheet 2	DEM Planning, Urban Design, Architecture, Interior Design	16/4/2021
Drawing Number Arda 2805 Rev 01	Schedule of External Colours and Finishes Sheet 3	DEM Planning, Urban Design, Architecture, Interior Design	16/4/2021
LA-cv00 Revision a02	Landscape Cover Page	DEM Planning, Urban Design, Architecture, Interior Design	15/7/2021
LA-0200 Revision a02	Landscape Site Plan	DEM Planning, Urban Design, Architecture, Interior Design	15/7/2021
LA-0501 Revision a02	Landscape Plan Sheet 1 of 4	DEM Planning, Urban Design, Architecture, Interior Design	15/7/2021
LA-0502 Revision a02	Landscape Plan Sheet 2 of 4	DEM Planning, Urban Design, Architecture, Interior Design	15/7/2021
LA-0503 Revision a02	Landscape Plan Sheet 3 of 4	DEM Planning, Urban Design, Architecture, Interior Design	15/7/2021
LA-0504 Revision a02	Landscape Plan Sheet 4 of 4	DEM Planning, Urban Design, Architecture, Interior Design	15/7/2021
LA-8901 Revision a02	Landscape Details	DEM Planning, Urban Design, Architecture, Interior Design	30/4/2021
Drawing Number Arda 1201 Revision 02	Ground Floor Plan Mechanical Equipment Acoustic Noise	DEM Planning, Urban Design, Architecture, Interior Design	23/3/2021
Drawing Number Arda 1202	General Arrangement Plan First Floor	DEM Planning, Urban Design, Architecture, Interior Design	23/3/2021
Drawing Number Arda 1203	General Arrangement Plan Second Floor	DEM Planning, Urban Design, Architecture, Interior Design	18/3/2021

Drawing Number Arda 1204	General Arrangement Roof Plan	DEM Planning, Urban Design, Architecture, Interior Design	15/3/2021
Revision A	Tall Rectangle Planter	Satu Bumi Australia	7/7/2017
	BASIX Specifications	Integreco Consulting Pty Ltd	14 October 2021
	BASIX Certificate Number 1247353M	Integreco Consulting Pty Ltd	14 October 2021
Certificate Number 0006673170	Nationwide House Energy Rating Scheme Class 2 Summary and associated plans stamped.	Integreco Consulting Pty Ltd	14 October 2021
Drawing Number 001 Revision C	Location Plan and Drawing Schedule	Tonkin	8/10/2021
Drawing Number 101 Revision E	Erosion and Sediment Control Plan	Tonkin	8/10/21
Drawing Number 111 Revision C	Erosion and Sediment Control Details	Tonkin	8/10/21
Drawing Number 301 Revision F	Stormwater Management Plan	Tonkin	8/10/21
Drawing Number 401 Revision F	Siteworks Plan	Tonkin	8/10/21
Drawing Number 601 Revision C	Typical Details Sheet 1 of 3	Tonkin	8/10/21
Drawing Number 602 Revision C	Typical Details Sheet 2 of 3	Tonkin	8/10/21
Drawing Number 603 Revision A	Typical Details Sheet 2 of 2	Tonkin	8/10/21
Report 21088RP1 Final Version	Flora and Fauna Assessment	Cumberland Ecology	2 May 2021
	Arboricultural Impact Assessment Report	Earthscape Horticultural Services	July 2021
Report R200337R1 Revision 1	Noise Assessment Proposed Wellbeing Centre	Rodney Stevens Acoustics	28 April 2021
Ref: JE19705B-r1(Rev)	Stage 2 Contamination Assessment	GeoEnviro Consultancy Pty Ltd	September 2021
Ref: JE19705B-r1	Remediation Action Plan	GeoEnviro Consultancy Pty Ltd	September 2021

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

3. DAGCA05 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

4. DAGCB02 - Food Premises - Design, Construction and Fitout of Food Premises

The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - 2004 Design, Construction and Fitout of Food Premises.

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

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

5. 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)

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

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

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

7. DAGCD06 - Mechanical Ventilation

The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards)

8. DAGCD07 - Waste Management

The 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)

9. DAPDB12 - Sediment and Erosion Control measures

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

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

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

10. 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 plans prepared by Tonkin Consulting Pty Ltd drawing numbered 200649-111, Revision C dated 8/10/2021. 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)

11. DAPDZ01 - Preservation of the Eucalyptus seed bank

Prior to the removal of any of the existing Eucalyptus trees on site, any viable seeds from the species to be removed shall be collected in order to retain the gene pool. The seeds shall be organised by the consulting arborist, the ecologist or by an independent seed collecting company for use for new plantings in local bush regeneration schemes.

(Reason: To preserve the seed bank for the Eucalyptus trees to be removed.)

12. DAPDZ02 - Provision of nesting boxes

Due to the removal of a hollow bearing tree number 7, a minimum of 3 x next boxes are to be installed to compensate for the loss.

In relation to the removal of any hollow bearing tree, then the following is required:-

- A qualified ecologist or other suitably qualified person shall examine the hollow to ensure that no viable fauna are still using it (especially during nesting season being between June to February prior to the tree being removed).
- If eggs / live birds or other protected fauna are found using the hollow, the removal of the tree must be delayed until all eggs have hatched and the young birds have left the nest or on advice of the ecologist, confirmation in writing from the ecologist that this has occurred is required by Council.
- Consultation with Council's Tree Management Officer is required to determine the optimum location to site the 3 new nesting boxes. The method of installation and subsequent maintenance of the nesting boxes should also be documented for future reference.

(Reason: To retain adequate provision for nesting boxes on site following construction works)

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

13. DACCA01 - Amendments to Approved Plans

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

- a) Car park 3 shall be fully roofed to provide deep terraces off the ground floor apartments that face the south which includes extensive landscape planters to enhance the landscape screen planting along the southern boundary of the site adjacent to the residential properties.
- b) The plans shall show adequate fencing (Preferably timber lapped and capped and not colourbond or steel material material) between the terraces for added privacy to a height of 1.8 metres.
- c) The additional landscaping shall be consistent with the approved landscaping plans and include native tree and shrub species.

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

14. 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).

15. 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).

16. DACCB01 - Damage Deposit for Council Infrastructure

A Damage Deposit of \$3,080 (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 such as kerb and guttering.

(Reason: To protect Council infrastructure)

17. 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)

18. DACCB04 - Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Cumberland Local Infrastructure Contributions Plan 2020 is to be paid to Council. The amount of the contribution is calculated at \$347,655 is to be paid. A copy of the Cumberland Local Infrastructure Contributions Plan 2020 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

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

Damage Deposit	\$3,080.
Sect. 7.12 Contributions	\$347,655 + CPI.
Bond for kerb and gutter reconstruction	\$3,000.
Bond for registration of Positive Covenant.	\$6,800.
TOTAL	\$360,535 + 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)

20. 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)

21. DACCC01 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an "Application for Property Boundary Line Levels". Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

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

(Reason: Public infrastructure)

22. 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)

23. 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 and outside the subject site including long section and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

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

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

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

24. 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 if any 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)

25. 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)

26. DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

In accordance with Section 138 of the Roads Act 1993 and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

27. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited Certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.
- g) Noise management to prevent excess construction noise impacting adjacent residents.

(Reason: To ensure pedestrian, safety, traffic management amenity and protection of public

infrastructure and the environment.)

28. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by the Accredited Certifier, 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 management, pedestrian safety and amenity during construction phase.)

29. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

30. DACCG05 - Off Street Car Parking - General

A minimum of fifty five (55) off-street car parking spaces comprising the following:-

- 20 spaces including 1 space for people with disabilities for the accommodation wing.
- 35 spaces including 8 spaces for people with disabilities for the consulting and office of the MS centre.

Shall be provided and suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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

(Reason: Parking and access)

31. DACCG07 - Maintaining Sight Lines

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Safety)

32. DACCG11 - Stop Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to signal all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

33. 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)

34. DACCJ01 - Detailed Stormwater Drainage System Design

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

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

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

The stormwater plan shall be in accordance with the stormwater plans approved as part of this consent and the following must be addressed:-

- a. The On-site Detention (OSD) system must be redesigned taking into account of the following:-
 - i. The roof catchment area and the associated downpipes that feeds into the rainwater tank shall be delineated on the catchment/stormwater plan.
 - ii. Each of the surface collection pits within the driveway and the car park that are exposed to rain or likely to receive surface runoff shall be fitted with the water quality filtration baskets.
 - iii. The amendments to be made addressing the issues as per the marked-up annotations on the plan.
- b. The OSD tank floor must have a 1% gradient towards the control pit.
- c. The OSD tank must incorporate a high Early discharge (HED) control pit consisting of a sump covering half of the base with 2 x 90 mm diameter relief drain (weephole) filled with 5mm gravel (blue metals) and other half dry platform raised above the orifice centre level.
- d. In order to maximise the site discharge and work efficiently, the HED chamber to be resized to limit to max 1.2m x 1.2m. The overflow chamber too shall be resized to 1.2 m x 1.2m to maximise the OSD storage.
- e. The overflow from the rainwater tank shall be directed into the HED chamber.
- f. The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1% AEP storm event into the OSD system with no gutter overflows.
- g. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.
- h. Galvanised step irons staggered at 300mm centres shall also be proposed at each access point to the underground storage tank/s.
 - i. A confined space danger sign shall be provided at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook
 - j. 5 mm thick, orifice plate shall be provided where the orifice exceeds 150 mm.
- k. The grated access covers over the belowground OSD tank must be hinged with child proof safety locking device (spring loaded J-Lock).
- l. Amendments in red as shown on the Council's approved plans.

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

The amended plan shall be submitted to the Principal Certifying Authority (PCA) for approval together with the application for the construction certificate.

)Reason: Stormwater management.)

35. DACCJ03 - Certification of the Stormwater Drainage System Design

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

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

(Reason: Adequate stormwater management)

36. DACCJ05- Grated Drain to Entrance/Driveway/Street Boundary

A grated trench drain shall be provided across the width of the driveway at / around the front property boundary. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted with the Construction Certificate.

(Reason: Environmental protection.)

37. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and the Auburn Development Control Plan and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection)

38. DACCJ09 - Stormwater Connection to Public Drainage System within property

The proposed stormwater connection into the street drainage system within a property is subject to further approval. In this regard, a separate application shall be submitted to the relevant authority (Council) under Section 68 of the Local Government Act for approval prior to the issue of a Construction Certificate. Council will undertake inspections of the connection at various stages (e.g., at exposure stage, connection stage and backfilling stage).

- a. The connection into the existing kerb pit must be in accordance with the requirements of relevant authority (council).
- b. Drawing showing the connection details including the levels and the details of connecting pipe and the existing pit must be provided.
- c. The information on the existing kerb inlet pit shall be obtained by survey investigation with the survey investigation plan accompanying the connection details.
- d. The connection of outlet pipe into the kerb inlet pit must be made at a level as high from the invert of the pit as possible to avoid the pipe being blocked by sediments and debris that are collected at the base of the pit.
- e. The connecting pipe shall be provided with a sufficient cover depth.
- f. The details of the services that runs within the road verge (nature strip) must be identified, their position/location, level, size, depth etc. shall be investigated and plotted on the plane long-sectional drawing of the connecting pile. It should be acknowledged that the connecting 375mm dia. outlet pipe will face many obstacles and conflict with the services running along the road verge (nature strip).
- g. The designing engineer shall certify the information on the drawings about the services crossing or running along the outlet pipe to ensure that no unforeseen additional obstacles appear and disrupts the work while construction works begins.

(Reason: To ensure appropriate stormwater connection provisions and to protect assets.)

39. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:-

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.
- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises)

40. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

(Reason: To ensure the support for neighbouring buildings)

41. DACCJ01 - Dilapidation Report

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

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

Please note:

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

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

42. DACCK06 - Retaining Walls

Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

(Reason: To ensure safety and the proper design of retaining structures)

43. 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)

44. 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)

45. 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)

46. DACCL05- Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Rodney Stevens Acoustics dated 28 April 2021, reference number R200337R1.

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)

47. DACCL06- Waste Storage Area

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

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

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

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

48. DACCM01 - Food Premises - Detailed Plans

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food

Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards prior to the issue of the Construction Certificate.

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

49. DACCM01 - Food Premises - Detailed Plans

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

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

50. DACCM03 - Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

51. DACCZ01 - CCTV Camera system

Management shall install digital CCTV surveillance cameras in and around the premises placed at strategic locations such as the entrances and exits, the courtyards and within the entrance / exit points to the accommodation wing to provide adequate security to the hospital and to protect those that are vulnerable.

In addition, warning signs strategically posted in and around the premises to warn intruders of the security measures shall be included as part of the security measures.

Details of both shall be shown in the construction certificate plans for approval by the Accredited Certifier.

(Reason: To provide additional layer of security and protection for the well being centre.)

52. DACCZ02 - Survey Investigation for Identification of Location and Layout of Existing Stormwater Pipe

Appropriate investigation such as CCTV and any accepted procedures of detailed investigation survey

shall be carried out by a suitably qualified professional to establish and confirm the location, layout of the existing stormwater pipe including size, invert levels and obvert levels, and its offsets/coordinates with respect to the property boundaries. The layout survey plan including the exclusion zone (zone of influence of structural load), the CCTV footage, the report of the CCTV results etc, shall be submitted to the council for consideration. The plan shall also show the buffer areas;

- a) the 3m wide for drainage easement to be created to protect the existing pipe.
- b) The 7m wide for zone of influence line (as indicated on the stormwater plan), along the centreline of the pipe covering equal widths on either side with its centreline following the centreline of the existing pipe.

The confirmed layout and location of the pipeline shall be incorporated into the stormwater plan, landscape plan, and the architectural plan. Any proposed structure that is likely to exert loading influence on the existing pipe shall be outside the edge of the drainage easement and zone of influence. The survey plan of investigation, the associated plans which require amendments to clear off the zone of influence (such as the stormwater plan and architectural plans) shall be submitted for approval to the satisfaction of council.

(Reason: To ensure and confirm location and layout of the existing pipeline for protection measure.)

53. DACCZ03 - Amended stormwater plan

The stormwater plan shall be amended for approval by the Private Certifier or Council with appropriate remedial measures to address and taking into account the following engineering matters.

Underground On-site Detention (OSD) tank

- a. A OSD design calculation summary sheet (spreadsheet table) shall accompany the OSD details.
- b. To improve the efficiency of the OSD system, the High Early Discharge (HED) spillway weir level shall be raised to generate at least 75% of the Maximum permissible site discharge. In this regard, the HED chamber overflow weir shall be raised from RL34.40m to RL35.20m to render the HED work efficiently and maximise the OSD storage.
- c. The High early discharge (HED) chamber shall be provided with a dry platform covering half of the chamber base with the platform level equal to orifice centreline.
- d. The remaining half of the base shall be a sump with 2 x 90 mm diameter relief drain (weep holes) at the bottom of the sump to allow stagnant water infiltrate into the surrounding ground. The weephole to be filled up with 5mm gravels (blue metals) up to the top of the weephole.
- e. The HED chamber to be resized to limit to max 1.2 m x 1.2 m, in order to maximise the site discharge and work efficiently. The overflow chamber too shall be resized to 1.2 m x 1.2 m to maximise the OSD storage.
- f. The overflow from the rainwater tank shall be directed into the HED chamber.

Aboveground On-site Detention (OSD) Basin

- a. Details on existing basin layout, and the cross-sectional details shall be provided to ensure that the aboveground OSD storage volume required will be available and additional to existing storage requirement servicing other sites.

Water sensitive urban design (WSUD) measures

- a. The roof catchment area that feeds into the rainwater tank shall be delineated on the catchment / stormwater plan.
- b. Each of the surface collection pits within the driveway and the car park that are exposed to rain or likely to receive surface runoff shall be fitted with the water quality filtration baskets.

High-flow bypass chamber

- a. The High-flow bypass chamber shall be resized to be no larger than 0.9m x 0.9m to ensure it works efficiently. It is recommended that the Pit A/1 be converted into the High flow Bypass chamber.
- b. The upper level outlet i.e. overflow from the high-flow bypass chamber shall be directed into

the rainwater tank, and the low level outlet shall be directed into the filtration chamber.

- c. The upper level outlet i.e. overflow invert level shall be raised to RL35.20 m AHD and the lower outlet invert level (to the filtration chamber) be raised to RL32.02m AHD. The orifice diameter that controls the flow into the filtration chamber is to be adjusted accordingly to allow the flow equivalent to 1:3 month's storm 5 minutes storm event (approx. 80.8l/s of flow with orifice diameter of approximately 160mm for the head of 2.18m).
- d. The base slab of the chamber shall also be raised to RL33.0m.

Filtration chamber

- a. The filtration chamber storage volume shall be increased to accommodate 24 cubic metres of early stage of stormwater runoff (first flush).
- b. The wall surrounding the filtration chamber shall be raised up to the soffit (ceiling) of the tank.

(Reason: To ensure stormwater management provision comply with the requirements.)

54. DACCZ04 - Amended plan of the car park

The architectural plan of the car park i.e. drawing number "arda-1201, revision "03" shall be amended as part of the construction certificate to comply with the requirements as outlined in AS2890.1-2004, Council's policy, DCP2010 - Parking and Loading to address the following issues.

- a. Long-sectional profile of the driveway with the sectional length, gradient, existing ground surface and finished surface profile and levels, starting from the road up to the parking area must be provided.
- b. The aisle width shall comply with the table B2 of AS2890.1-2004.
- c. The parking spaces within the car parks shall comply with the parking provisions including minimum width requirement and clearance from the wall/column, particularly the following car parking spaces shall comply with the minimum width and clearance requirements.
 - i. The column adjacent to car space 45, 48, 51 and 54 shall have inner face (facing the wall) shall not extend beyond 1.75m measured from the front edge of the car space, such that the 1.9 m x 0.3m clearance zone as per figure 5.2 of AS2890.1-2004, required for car doors opening, are not encroached by the adjacent columns.
 - ii. The columns adjacent to the car space 34, 37, 40 and 42 encroach the clearance zone 1.9m x 0.3m and required to be 300mm clear of the parking spaces.
 - iii. The car spaces 34, 36, 37, 39, 40, and 42 within the car park 3 shall be at least 300mm clear off the adjacent columns and the parking space of at least 2.4m wide shall be available. In other words the total width from the adjacent face of the column shall be at least 2.7m.
 - iv. Car space 44 shall be at least 2.4m clear width measured from the adjacent face of the column.
 - v. Each of the car spaces within car park 3 shall have a clear width of at least 2.4m wide with no obstructions.
 - vi. Car space 32 and 26 within car park 2 shall have a clear width of at least 2.4 wide and a clearance of 300mm from the adjacent column on the right side of the parking space. Further, a clearance of 300 mm shall apply from the adjacent kerb if the kerb is higher than 150mm.
 - vii. on the left edge of the car space if the adjacent kerb on the left side is higher than 150mm.

(Reason: To ensure parking provision comply with the requirements as outlined in AS2890.1-2004 and Auburn DCP 2010.)

55. DACCZ05 - Bond for Registration of positive covenant and restriction for OSD and WSUD System

The applicant shall lodge with Council a \$6,800.00 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the *On-site Detention system, Water Quality treatment system. This bond is refundable upon the submission of proof of registration of the Restriction on Use

and Positive Covenant with the land Property Information NSW.

(Reason: To ensure compliance with the requirements.)

56. DACCZ06 - Access Driveway

The access driveway shall be wide enough to allow manoeuvring of garbage trucks from the street into and out of the proposed garbage collection area without overrunning into any adjacent structure or the vehicle path in the opposite direction and to the satisfaction of council's infrastructure asset/design section. Details shall be submitted together with the application for the Property boundary line level.

(Reason: Public infrastructure.)

57. DACCZ07 - Approval for the Drawings of Works within Public Domain including connection into Council's Kerb inlet pit

Any work including drainage or pipe works within the public domain must be approved by council.

In this regard, detail drawings must be submitted to council' (Manager, Engineering and Traffic) for approval prior to issue of any construction certificate.

Drawing showing details of the connection into council's Stormwater pipe in accordance with council's standard drawing SD8018 shall be prepared to the satisfaction of Council's works and infrastructure section for approval. No works relating to connection shall start until the approval has been obtained.

Council's standard assessment fee will apply. Additional fees will apply for additional assessments that are required to be undertaken by Council. The required drawings must be submitted together with a completed Approval Application form and required assessment fee.

(Reason: To ensure appropriate design and standards are maintained for the protection and maintenance of council Assets.)

58. DACCZ08 - Water Sensitive Urban Design (WSUD) / Water Quality measures

In accordance with the section 2.4 of Auburn DCP2010 - Stormwater Drainage, appropriate Water Sensitive Urban Design Measures (Water Quality measures) shall be employed as a part of Site Stormwater Management). A WSUD strategy / measure shall be incorporated into the stormwater management plan. Details shall be submitted to the certifying authority prior to the issue of a Construction Certificate. In addition, the following shall be addressed.

- a. Demonstrate compliance with Council's approved OSD stormwater plans.
- b. The stormwater quality treatment device (storm 360 filtration system) shall be offline with the high-flow bypass chamber (diversion box) so as to collect 1 in 3 month's equivalent flow to be directed into the treatment device and excess overflow to be directed to OSD system directly.
- c. The water quality treatment system (filtration system) shall be offline capable of treatment of a flow equivalent to 1 in 3 month's site flow.

High-flow bypass chamber

- d. The High-flow bypass chamber shall be resized to not larger than 0.9 m x0.9 m to work it efficiently by separating all. It is recommended that the Pit A/1 be converted into the high flow bypass chamber.
- e. The upper level outlet i.e. overflow from the high-flow bypass chamber shall be directed into the rainwater tank, and the low level outlet shall be directed into the filtration chamber.
- f. The invert of high-flow bypass chamber shall be higher than the floor level of the filtration chamber such that there is no backflow of polluted water from the filtration chamber back into the high-flow bypass chamber.
- g. The base slab of the chamber shall also be raised to RL33.0m.

Filtration chamber

- h. The filtration chamber storage volume shall be increased to accommodate 24 cubic metres of early stage of stormwater runoff (first flush).

- i. The wall surrounding the filtration chamber shall be raised up to the soffit (ceiling) of the tank to prevent any overflowing of polluted water into the OSD storage area or HED chamber (the polluted water must be confined within the filtration chamber until they are treated).
- j. A regular minor and major maintenance schedule shall be implemented.

(Reason: To ensure appropriate stormwater management.)

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

59. 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)

60. 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)

61. 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)

62. DAPCA05 - Sydney Water Tap in Approvals

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

The Principal Certifier must ensure that the plans have been approved through the Sydney Water 'Tap

in' process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

63. 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)

64. 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)

65. DAPCZ01 - Recommendations of the Arboricultural Impact Assessment Report

The recommendations of the Arboricultural Impact Assessment Report at Part 10 and 11 prepared by Earthscape Horticultural Services and dated July 2021 are to be complied with in full for the duration of the project.

(Reason: To ensure the recommendations of the report are complied with.)

66. DAPCZ02 - Recommendations of the Flora and Fauna Assessment Report

The recommendations of the Flora and Fauna Assessment Report at Part 5 prepared by Cumberland Ecology Earthscape Horticultural Services and dated 2 May 2021 are to be complied with in full for the duration of the project.

(Reason: To ensure the recommendations of the report are complied with)

67. DAPCZ03 - Protection of Footpath paving, Kerb and Gutter

Protection must be provided for Council's kerb and gutter. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

(Reason: To ensure protection of public asset.)

68. DAPCZ04 - Driveway within the Nature Strip

The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

Reason: To maintain uniformity of driveway.

69. DAPCZ05 - Inspection of Works (Stormwater Connection to Council's / Public Infrastructure)

The stormwater drainage works connecting into the Council stormwater system shall be inspected by relevant Authority (Council) during construction. Documentary evidence of compliance with the Authority's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
- (b) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.
- (c) Final Inspection.

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

the Authority.

Note: A private certifier or the PCA cannot be engaged to do this inspection.

(Reason: To protect council's asset and maintain quality.)

70. DAPCZ06 - Inspection of Works (OSD system and Water Quality treatment system Infrastructure)

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

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control devices.
- (b) After completion of storage but prior to installation of fittings (e.g. Screens etc.)
- (c) Final Inspection.

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

Reason: To ensure work complies with the design standard and maintain quality of works.

71. DAPCZ07 - Access to premises and parking provisions

The access to the premise and parking provision shall comply with the following requirements:-

- a. Access to the premise
 - i. An application for the vehicle crossing approval must be made to the relevant authority (council) prior to commencement of the work.
 - ii. Any works requiring levels within the road reserve will require the submission of relevant authority's appropriate application form.
 - iii. The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
 - iv. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 5.5 metres for the car park and 6.5m for the vehicular access to truck, with a maximum of 1.5 metres splays for vehicular crossing for the trucks entering and exiting site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
- b. Parking space
 - i. All parking spaces shall be signposted and line marked in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1 2004, AS2890.1 2002, and 2890.6 2009).
 - ii. The entry / exit driveways shall be indicated with appropriate signage and line marking to avoid traffic conflict at the driveway.
 - iii. Wheel stops shall be provided at appropriate parking locations in accordance with AS2890.1-2004.

(Reason: Provision of access and parking management.)

Conditions which must be satisfied during any development work

72. 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)

73. DADWA02 - Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Cumberland Council should it fail to adequately control any dust nuisance.

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

74. 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)

75. DADWA05 - Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.

(Reason: Compliance with condition of consent)

76. 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)

77. DADWA07 - General Site Requirements during Construction

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

- a) A single entrance is permitted to service the site for 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.
- b) No blasting is to be carried out at any time during construction of the building.
- c) Care must be taken during excavation / building / construction to prevent any damage to adjoining buildings.
- d) 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.
- e) Any excess construction materials are to be recycled wherever practicable.
- f) The disposal of construction waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- g) 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.
- h) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it.
- i) 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.
- j) 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.
- k) 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.
- l) 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.
- m) 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 building and any other site works are undertaken in accordance with relevant legislation and policy.)

78. 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)

79. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

80. 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)

81. 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)

82. 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)

83. 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)

84. DADWB01 - Arborist Inspections

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and ensure tree protection conditions of this consent, and recommendations of the endorsed arborist report at Part 10 and 11 are complied with throughout the duration of the development. This requires the arborist supervising works/attending the site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

- 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: Qualified assessment of impact of works on trees to be retained)

85. 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)

86. 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)

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

87. 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)

88. DAOCA03 - S73 Compliance Certificate

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

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

89. 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)

90. DAOCA07 - Notification of Food Business

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

(Reason: Registration and notification to relevant authorities)

91. DAOCA08 - Certification of Engineering Works

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.
- c) The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
- d) OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- e) Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
- f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- g) Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and leak-proof capability etc.

The abovementioned Certificate is to certify that:

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

(Reason: Asset management)

92. 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)

93. DAOCA12- Construction of Concrete Footpath

A concrete footpath of width of 1,200 mm shall be constructed adjacent to the Betty Cuthbert front of the property.

The works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets. All footpath areas within the road reserves that are not concrete shall be turfed with 'ST85 Buffalo' or 'Sir Walter'.

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)

94. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed to replace the damaged sections adjacent to the front and side of the property. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets.

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

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

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

95. 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)

96. DAOCB03 - Installation requirements for Water Cooling Systems

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

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

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

97. DAOCB04 - Acoustic Verification Report

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

- a) All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 28 April 2021 reference R200337R1 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)

98. DAOCB05 - Site Remediation and Validation

- a) The site must be remediated and validated in accordance with the approved Remediation Action Plan (RAP) prepared by GeoEnviro Consultancy Pty Ltd and dated 7/10/21 (Reference number JE19705-r3(Rev). 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 City Council, prior to commencement of any such works. Where the variation alters the approved development consent plans, appropriate prior approval from Cumberland City Council must be sought for the changes.
- b) Prior to the issue of any Occupation Certificate:
 - i. 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:
 - The extent of validation sampling, and the results of the validation testing;
 - That the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan.
 - That the site is suitable for the proposed use.
 - ii. 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:
 - i. A copy of this EMP must be submitted to Cumberland Council along with the Validation Report, prior to issue of any Occupation Certificate; and
 - ii. 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)

99. DAOCB07 - Site Audit Statement

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

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

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

100. DAOCD01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- 1) Forwarded to Cumberland Council;
- 2) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- 3) Prominently displayed in the building.

(Reason: Fire safety)

101. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the Auburn Development Control Plan", prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

102. 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 and the water quality treatment system constructed within the subject property.

(Reason: To ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems.)

103. 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)

104. DAOCH09 - Certificate of Compliance

A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and road works shall be obtained from Council and be submitted to the Principal Certifier.

(Reason: Protection of public asset)

105. DAOCZ01 - Planting of new trees following construction work

New landscaping on site should be installed as follows:-

- The proposed eight (8) new Eucalyptus trees should be in maximum 25 litre containers as Eucalyptus species transplant better in smaller sized containers.
- The new Eucalyptus tree plantings are to be planted a minimum of 8 metres away from the external walls of the new building and a minimum of 3 three metres from hard surfaces such as paths and paved areas. This will allow for future growth of their canopies and to prevent root damage.
- The new Eucalyptus tree plantings must be doubled stacked (with stakes appropriate to their height) to ensure stability and protection.

- Any new trees being planted closer than ten metres to any infrastructure including concrete slabs, pathways or known services to the proposed development should incorporate a suitable root barrier to ensure any future root damage is minimised.

(Reason: To ensure the Eucalyptus trees achieve maximum opportunities for growth and development.)

106. DAOCZ02 - Public Drainage Infrastructure - Post construction dilapidation report (CCTV).

To ensure that the public asset (such as stormwater pipes, pits etc.) are not affected by the development including the construction of the access driveway, a CCTV verification, and no damage such as cracking or settlement of council's/ drainage asset, shall be carried out upon the completion the construction works. The CCTV shall extend 10m upstream as well as downstream beyond the work zone. The CCTV shall have the stamp of the date, time, and distance/ chainage in metre. A CCTV inspection report with the table showing the chainage/ distance from the origin and the observed asset condition at critical locations must be prepared and submitted to the approving authority (council) together with the CCTV footage. Any observed or likely damages shall be remedied by the applicant at its own cost to the satisfaction of Council's infrastructure Asset /Design section and must be completed prior to issue of any occupation certificate.

(Reason: Protection of public Asset.)

107. DAOCZ03 - Construction/Reconstruction kerb ramps

The construction or reconstruction of the kerb ramps and associated works at the junction of Betty Cuthbert drive and Ironbark Crescent. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8101 and issued level sheets.

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

108. DAOCZ04 - On-Site Detention (OSD) area warning Signs

The applicant shall provide a standard OSD area warning sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.

(Reason: To provide warning that the stormwater may rise and cause ponding.)

109. DAOCZ05 - Maintenance Schedule for On-Site Detention (OSD) stormwater System and Water quality Treatment system

A maintenance schedule for the stormwater and On-site Stormwater Detention including a sketch plan of the components forming the sites stormwater drainage and On-Site-Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

(Reason: To aware and guide the owners for the required maintenance of the system.)

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

110. DAOUA01 - Clinical Waste

All clinical waste must comply with the following:

- (a) Suitably constructed waste disposal containers with securely fitting lids must be kept on the premises for the storage of any clinical waste prior to final disposal of the material at a facility approved by the NSW EPA.
- (b) A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and their contact details produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

(Reason: To ensure control of clinical waste)

111. DAOUA02 -Sharps Waste Disposal

The premises must be equipped with a sharps waste container, which complies with AS 4031:1992 Non-reusable containers for the collection of sharp medical items used in health care areas. Sharps waste must be disposed of to a facility that is licensed to receive sharps waste.

(Reason: To ensure safe disposal of sharps waste)

112. DAOUA07 - Deliveries

No deliveries are to occur before 8 am or after 5 pm weekdays and no deliveries are to occur on weekends and public holidays to prevent noise disruption to the surrounding area.

(Reason: To control noise impacts)

113. DAOUA09 - Business/Trade Commercial Waste Collection

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables.)

114. DAOUA14 - Hours of Business Operation

The hours of operation are restricted to between:

- 8 am to 5 pm weekdays.
- The gymnasium may operate between 8 am to 8 pm on weekdays and 8 am to 1 pm on weekends for patients and staff only.

(Reason: Ensure business operates between approved hours)

115. DAOUB01 - Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

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

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

(Reason: To ensure premises are notified to Council)

117. DAOUC18 - No speakers or Amplified Sound Equipment Outside

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

(Reason: To protect residential amenity)

118. 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)

119. DAOUC21 - No food preparation - Pre-Packaged Food Only

This approval does not include the preparation and processing of food at the premises, and relates only to the sale of food sold and served in the supplier's original package.

(Reason: To protect food safety.)

120. DAOUC23 - Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 28 April 2021 (Reference R200337R1) relating to use and/or management of the site must be implemented and complied with.

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

121. DAOUZ01 - Annual maintenance inspection of OSD & WSUD

Annual maintenance inspection summary of the onsite detention (OSD) and water quality treatment devices (WSUD measures) 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(s).

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

Advisory Notes

122. DAANN01 - Dial Before You Dig

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



123. 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>.

124. 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.

125. 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.

126. 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.

127. 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.

128. DAANN11 - Signage Approval

A separate development application for any proposed additional 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'.

129. DAANN13 - Work Health and Safety

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

130. 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)

131. DAANN17 - Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier and any Service Agreement, the Environmental Planning and Assessment Act 1979 (Act) and the Regulations.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any Service Agreement.

Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)

132. DAANN20 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) Prior to covering any stormwater drainage connections; and

- b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)