

## DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

<b>Application No:</b>	DA2021/0472
<b>Applicant:</b>	Mint Biominer Pty Ltd 55 Long Street SMITHFIELD NSW 2164
<b>Property Description:</b>	55 Long Street SMITHFIELD NSW 2164, Lot 173 DP 548880
<b>Development:</b>	Alterations and additions to an existing industrial building and use as an E-Waste Recycling Facility (Integrated Development - Section 48 of the Protection of Environment Operations Act 1997)
<b>Determined by:</b>	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.

<b>Architectural Plans</b>			
<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
Plan number 101, Revision A	Site Analysis Plan	Jackson Environment & Planning Pty Ltd	25 October 2021
Plan number 106, Revision A	Elevation and Section Plan	Jackson Environment & Planning Pty Ltd	23 October 2021
Plan number 102, Revision A	Warehouse Ground Floor Plan	Jackson Environment & Planning Pty Ltd	8 August 2021
Plan number 103, Revision A	Ground Floor Amenities	Jackson Environment & Planning Pty Ltd	15 August 2021
Plan number 104, Revision A	First Floor Office Plan	Jackson Environment & Planning Pty Ltd	10 August 2021
Plan number 105, Revision A	Swept Path Analysis	Jackson Environment & Planning Pty Ltd	23 October 2021
Drawing Number: Mint-EES-PL-003, Revision B	Proposed Bulk Storage Tank Elevation View (Showing To Closest Power lines)	ETech Engineering Services	11 August 2021
Drawing Number: Mint-EES-PL-001B, Revision B	Mint Innovation Commercial Plant Plot Plan (Showing Operational Equipment List)	ETech Engineering Services	28 October 2021

Drawing Number: Mint-EES-PL-001A, Revision B	Mint Innovation Commercial Plant Plot Plan (Showing Process Tank List)	ETech Engineering Services	28 October 2021
Drawing Number: Mint-EES-PL-001, Revision D	Mint Innovation Commercial Plant Process Secondary Containment	ETech Engineering Services	28 October 2021
Drawing Number: Mint-EES-PL-001, Revision D	Mint Innovation Commercial Plant Plot Plan showing Emissions Point	ETech Engineering Services	2 November 2021
<b>Reports</b>			
Reference Number: 113778-BCA-r02	Building Code Australia Assessment Report	BCA Logic	10 August 2021
Version 7.0	Fire Safety Study	Consilium Waste Consulting	8 November 2021
Revision 1	Dangerous Goods Report	Riskcon Engineering	25 October 2021
Revision 1	Preliminary Hazard Analysis	Riskcon Engineering	25 October 2021
P2171 JE Smithfield E-waste facility TIA	Traffic Impact Assessment	SECA Solution	4 November 2021
Reference Number:22.1002.FR1 V2, Version2	Air Quality Impact Assessment Report	Northstar Air Quality	26 August 2021
Report number: 217402.0085.R01V02	Noise Impact Assessment Report	Trinity Consultants Australia	25 August 2021
Version 2	Plan of Management	Jackson Environment & Planning Pty Ltd	8 November 2021
Version 8.0	Waste Management Plan	Jackson Environment & Planning Pty Ltd	10 November 2021
<b>Agency Comments</b>			
-	Endeavour Energy Comments and associated documents	Endeavour Energy	29 October 2021
Notice Number: 1614587	NSW EPA General Terms of Approval	NSW Environmental Protection Authority	24 November 2021

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

**3. DAGCA03 - General Terms of Approval NSW Environment Protection Authority**

The development is to comply in full with the General Terms of Approval issued by the NSW Environment Protection Authority (Notice Number: 1614587) as listed under condition two of this notice of determination.

(Reason: Statutory compliance)

**4. DAGCD09 - Plan of Management - Filtration & Odour Control Systems**

- a) A written Maintenance and Cleaning Plan of Management must be kept on the premises and be available to an officer of Council upon request. This plan must detail the methods and procedures required to maintain the filtration and odour control system(s) in accordance with manufacturer's specifications, in a clean condition, and in satisfactory working order. The maintenance and cleaning management plan must include the following:
  - i. What type of maintenance and cleaning procedures are to be followed, and at what frequency;
  - ii. Emergency maintenance and risk management associated with a failure in the system; and
  - iii. The contact person/s details for emergency maintenance;

- b) A service log that shows compliance with the written Maintenance and Cleaning Plan of Management in (a) above regarding the cleaning and maintenance of the filtration and odour control system(s) must be produced and completed accordingly when maintenance and servicing occurs. This service log must be kept updated and kept on the premises at all times and be available to an officer of Council upon request.
- c) All exhaust air treatment systems in use on the premises must be operated and maintained in accordance with the manufacturer's instructions and in accordance with the Plan of Management at all times.

(Reason: To ensure mechanical ventilation systems are maintained to effectively manage odours)

**5. DAGCZ01 - Surface runoff**

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

(Reason: to prevent adverse impact on adjoining properties)

**6. DAGCZ02 - Sediment control**

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

(Reason: to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring)

**7. DAGCZ03 - Service relocation / Adjustment**

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

(Reason: to protect utility services)

**8. DAGCZ04 - Endeavour Energy Transmission Easement**

The development is to comply at all times with the conditions provided by Endeavour Energy's comments provided for the development dated 29 October 2021 as endorsed by condition 2 including the following:

- a. No storing of items within 5m of the power poles.
- b. No installation of flood/light poles within the easement.
- c. All metallic objects e.g. metal shelter, tanks, fences, hydrants, taps or air pressure pipes etc. located within the easement must be earthed and or isolated as per (AS/NZS 3000:2018) or Endeavour earthing drawing details.
- d. No electric fencing is permitted in the easement.

(Reason: Compliance)

**9. DAGCZ05 - Compliance with recommendations of Preliminary Hazard Analysis Report**

All recommendations listed within the Preliminary Hazard Analysis Report endorsed under condition 2 are to be adhered to at all times.

(Reason: Compliance)

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

### **10. DAPDB02 - Demolition - General**

Notice in writing is to be given to Council within two working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work. Such written notice is to include:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;
- The licence number of the demolisher;
- Relevant SafeWork licences, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- Demolition work is to be carried out in accordance with AS 2601-2001.
- Demolition works are restricted as follows:
  - Monday to Friday inclusive - 7:00am - 5:00pm
  - Saturdays 7:00am - 5:00pm
  - Sundays and Public Holidays - No demolition work

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

The developer or demolition contractor must notify Council at least five working days before the commencement of any demolition work. The developer or demolition contractor must notify adjoining residents of the following:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- The telephone number of the SafeWork NSW Hotline.

Demolition work must not commence until Council has inspected the site and is satisfied that all pre-demolition conditions have been satisfied.

Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

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

### **11. DAPDB03 - Demolition - Asbestos**

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

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

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works. Barricades to prevent public access and prevent the escape of asbestos fibres must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

#### **a) Asbestos to be removed by a licensed asbestos removalist.**

All demolition and site works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Class A Licence for friable asbestos removal where applicable or a Class B Licence for non-friable (bonded) asbestos removal. No asbestos products are to be re-used on site and asbestos laden skips/bins must

not be left in any public place.

**Note:** To find a licensed asbestos removalist please visit SafeWork NSW website.

**b) Compliance with applicable Legislation, Policies and Codes of Practice.**

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

- Work Health and Safety Act 2011 & Work Health and Safety Regulation 2017;
- 'Code of Practice on how to safely remove asbestos' published by Safe Work Australia (dated July 2020).
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)].

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

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

**12. DAPDB07 - Site Safety Fencing - Demolition Only**

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

(Reason: Public safety)

**13. DAPDB08 - Demolition Inspections**

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made to arrange the inspections.

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

(Reason: To ensure compliance with the relevant legislation and to ensure

**14. DAPDB09 - Tree Preservation**

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

(Reason: Tree Preservation and Protection)

**15. DAPDB11 - Hazardous Materials Survey Required**

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

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

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

Prior to the commencement of works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

- a) A dish shaped diversion drain, or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence 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 to reduce impacts on waterways.
- c) Vegetation and/or existing building structures will be cleared from the construction site only,

other areas to remain undisturbed.

- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.
- g) Stockpiles of 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.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.
- i) Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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

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

**17. DACCA02 - Application for a Construction Certificate**

Construction work must not commence until a Construction Certificate has been obtained from Council or a Registered Certifier.

(Reason: Statutory requirement)

**18. 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 submitted with the construction certificate application.

(Reason: To ensure compliance with the requirements of the National Construction Code)

**19. DACCA04 - Works within Boundary**

No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Council or Registered Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

**20. DACCB01 - Damage Deposit for Council Infrastructure**

A damage deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

**21. DACCB02 -Payment of Bonds, Fees and Long Service Levy**

The Council or Registered 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)

**22. DACCB04 - Section 7.12 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the *Environmental Planning and Assessment Act 1979* and *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of the contribution will be determined at the time of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

(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)

**23. DACCB05 - Fees to be paid to Council**

Types of fees	Amount
Damage Deposit	\$6,660.00
Sect. 7.12 Contributions	\$119,246.00
Traffic Management Plan	\$323.00
<b>TOTAL</b>	<b>\$126,229.00</b>

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. 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.

Note: In the event that the applicant does not apply for refund of bonds, Council will forfeit the bonds and it will be transferred to the Infrastructure Reserve 7 years after the completion of works in accordance with Construction Bonds Management Policy.

(Reason: Statutory requirement and information)

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

Prior to demolition commencing and prior issue of a Construction Certificate, the applicant shall submit to Council a full photographic record of the condition of Council's assets (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 assets 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 arose during the course of demolition or construction work, Council may require either part or full re-instatement of its assets.

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)

**25. 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 the 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 by Council.

(Reason: Compliance)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside 55 Long Street, Smithfield including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges.

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 1993*, prior to the issue of the Construction Certificate, and
- c) All Civil Engineering works adjacent/near/outside 55 Long Street, Smithfield 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)

**27. 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 that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

**28. DACCD02 - Fire Safety Upgrade (cl. 94 of the Regulation)**

In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building must be brought into conformity with the Building Code of Australia (BCA).

The Construction Certificate plans and specifications submitted to the Council or Registered Certifier must detail building upgrade works required by this condition.

The Council or Registered Certifier must be satisfied that such work carried out as part of this consent, will upgrade the building to bring it into compliance with the relevant provisions of the BCA in force at the date of issue of the Construction Certificate:

(Reason: To ensure that the fire safety measures in the building are sufficient to protect persons and prevent the spread of fire to adjacent premises)

**29. DACCE02 - Construction Management Plan**

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

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

(Reason: Safety, amenity and protection of public infrastructure and the environment)

**30. DACCE03 - Construction Traffic Management Plan (CTMP)**

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

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

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.

- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant Pedestrian Management Plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

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

A minimum of 35 off-street car parking spaces (Inclusive of 2 accessible parking spaces) suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

**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 road.

(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 all relevant parts of Australian Standards 1418, 2549 and 2550.

Cranes must not swing or hoist over any public place unless approval has been obtained under the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

**34. DACCJ04 - Construction or Redirection of a Stormwater Drainage System**

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of an overland flow path, pit, pipeline of a specific size, material and location, approved by Council.

Where consent is granted for the changes to a drainage line or system, Engineering Plans in accordance with Council's Development Control Plan and relevant policies shall be submitted with the Construction Certificate application.

(Reason: Protection of existing drainage infrastructure)

**35. DACCK03 - Structural Adequacy of Existing Structure**

A Certificate of Structural Adequacy prepared and signed by a qualified practising Structural Engineer in respect of the load carrying capabilities of the existing structure to support the proposed additions shall be submitted to Council or Registered Certifier with the Construction Certificate application.

(Reason: Structural safety)

**36. DACCK05 - Salinity**

This site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction measures are to be incorporated for all buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted with the Construction Certificate application.

(Reason: Ensure appropriate construction methods are used)

**37. 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 Council or Registered Certifier.

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

**38. 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 Trinity Consultants Australia, dated 3 November 2021, reference 217402.0085.R02V02.

*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)

**39. 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 Council or Registered 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 and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

**40. DACCZ01 - Compliance with Building Code of Australia**

The development is to comply with the Building Code of Australia including all Building Code of Australia matters and recommendations stated within the endorsed BCA Assessment Report under condition two of this development consent must be complied with including by specific BCA Design Certificate to be issued by the relevant architectural, services and engineering consultants at the Construction Certificate Stage.

The applicant is to introduce performance solutions to comply with the BCA as there are variations to the D-T-S provisions. The building is existing and the building requires upgrade works to accommodate the development. The development proposal is to be referred to Fire & Rescue NSW for referral at construction, design and CC stage.

(Reason: Compliance)

**41. DACCZ02 - Waiting area design**

Waiting areas and appropriate measure such as signs, mirrors and warning systems shall be provided within the site to prevent any queuing in the street as width of the driveway within the site is not adequate for vehicles to pass each other within the site.

Details shall be submitted to and approved by Principal Certifying Authority prior to the construction works.

(Reason: to ensure adequate measures shall be provide to vehicle to pass each other within the site and to prevent any queuing in the street)

**42. DACCZ03 - Floor levels**

Car park and floor levels shall comply with Council's Flood Advice Letter dated 9 April 2021 (Reference: EC2021/0334). Details shall be submitted to and approved by Principal Certifying Authority prior to the construction works.

(Reason: to ensure floor levels comply with Council's Flood Advice Letter)

**43. DACCZ04 - Stormwater disposal**

Existing and proposed stormwater details shall be submitted to and approved by Principal Certifying Authority. The following matters shall be addressed in the plans:

- a) Stormwater runoff from the entire sit shall be collected and discharged through the existing internal pipe drainage system.
- b) Pollution control device shall be provided in the stormwater pits.
- c) A grated trench drain shall be provided, within the site, across the proposed driveway at the site 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%. Stormwater shall be collected and discharged by pipe drainage system.

(Reason: Environmental protection)

**44. DACCZ05 - Parking layout**

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

Copy of the approved plan shall be submitted to Council.

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

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

### 45. **DAPCA03 - Site Safety Fencing**

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and be maintained throughout the duration of works to exclude public access to the site.

(Reasons: Statutory requirement and health and safety)

### 46. **DAPCA04 - Principal Certifier Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site that:

- shows the name, address and telephone number of the Principal Certifier;
- shows the name and address of the principal contractor (if any) and a telephone number on which that person may be contacted outside of work hours.
- stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained whilst ever the work is being carried out and must be removed when the work has been completed.

(Reason: Statutory requirement)

### 47. **DAPCA05 - Sydney Water Tap in Approvals**

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

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

(Reason: Statutory requirement)

### 48. **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)

### 49. **DAPCC01 - Salinity**

The applicant must advise the relevant public utility authorities of any potential salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations.

(Reason: To ensure utility authorities design relevant utilities in consideration of the saline soils)

## Conditions which must be satisfied during any development work

### 50. **DADWA01 - Construction Hours**

Construction and all related activities including the delivery of materials to the site may only take place between the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work is to occur on Sundays and public holidays.

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

Note: Construction hours may also be regulated through State Legislation and Policies, and any works need to comply with these requirements. Esra fix this wording.

(Reason: To minimise impacts on neighbouring properties)

### 51. **DADWA02 - Dust Control** **Minor Works**

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

- a) Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
  - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
  - Dust must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
  - Soil and material stockpiles are to be kept damp or covered.
  - Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
  - Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

### 52. **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)

### 53. **DADWA04 - Acid Sulphate Soils**

Any excavation works carried out on site shall be closely monitored to ensure no signs of potential or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist shall be contracted to further assess the site.

(Reason: Environmental protection)

### 54. **DADWA05 - Construction Management Plan**

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

A copy of the Plan must be kept on site at all times and made available to the Principle Certifier or Council on request.

(Reason: Compliance with condition of consent)

**55. 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)

**56. DADWA07 - General Site Requirements during Demolition and Construction**

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j) Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

**57. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

**58. 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)

**59. 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.

Validation shall take place by one or both of the following methods:

- Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material was sourced; and/or
- 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)

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

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 Council.

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.

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 Council by the Auditor confirming the site is now suitable for the proposed use.

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

**61. DADWA20 - Road and Footpath Opening Permit**

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere with a structure, work or tree on a public road; or pump water into a road without the consent or the appropriate roads authority. Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered by a separate application process.

(Reason: Maintain public asset)

**62. DADWB02 - Tree Protection**

To minimise impacts on trees to be retained, no fill shall be placed and no building materials shall be stored under the drip lines of trees to be retained.

(Reason: Tree preservation)

**63. 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)

**64. DADWC02 - Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).



(Reason: Prescribed statutory control)

**65. DADWC05 - Salinity**

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

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

**66. DADWC07 - Switchboards/Service Panels**

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

(Reason: To ensure that switchboards and service panels are appropriately located)

**67. DADWC10 - 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)

**68. DADWC13 - Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)

**69. DADWC15 - 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)

**70. DADWC16 - Waste Management**

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

(Reason: Compliance with approval)

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

**71. DAOCA01 - Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, 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)

**72. DAOCA02 - Final Clearance**

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

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

**73. 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 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).

**74. DAOCA04 - Engineers Certificate**

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principle 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)

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

Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier and Council.

- Work as executed drawings for completed engineering works from a registered surveyor.
- A Certificate from a qualified practising professional engineer with the Engineers Australia membership under the appropriate professional category, that certifies the following matters have been constructed in accordance with the approved plans :
  - a) the stormwater drainage system, and/or
  - b) the car parking arrangement and area including circulating ramps, and/or
  - c) any related footpath works, and/or
  - d) the proposed driveway and layback, and/or

(Reason: Asset management)

**76. 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)

**77. DAOCB01 - Mechanical Ventilation - Compliance**

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, certification must be provided to the satisfaction of the Principal Certifier confirming that the system has been designed, installed and has been tested to show it is operating in accordance with the *National Construction Code 2019*.

(Reason: To ensure correct installation of mechanical ventilation systems)

**78. 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 Trinity Consultants Australia, dated 3 November 2021, reference 217402.0085.R02V02 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)

**79. DAOCB14 - Compliance with Odour Assessment Report**

- (a) Prior to the issue of an Occupation Certificate, written confirmation from a Professional Engineer (as defined in Volume One of the National Construction Code) must be submitted to the Principal Certifier confirming that all recommendations within the odour assessment report prepared by Northstar Air Quality, dated 26 August 2021, Council Ref 9007835, have been incorporated into the development;
- (b) Within thirty (30) days of commencement of use, validation and calibration of the performance of the mechanical exhaust system (including all odour treatment systems) must be undertaken to confirm compliance with the standards outlined in the odour assessment report prepared by Northstar Air Quality, dated 26 August 2021, Council Ref 9007835 and with AS1668.2 - The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings. Validation must include sampling and testing of all major emission sources.

(Reason: Environmental and Amenity Protection)

**80. 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 the Commissioner of the New South Wales Fire Brigade; and
- 2) Prominently displayed in the building.

(Reason: Fire safety)

81. **DAOCG01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a qualified practising professional engineer with the Engineers Australia membership, as being in accordance with Council's Development Control Plan and relevant policies

(Reason: Adequate stormwater management)

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

### 82. **DAOUA06 - Trading Outside the Building**

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the industrial building, site or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity)

### 83. **DAOUA08 - Waste & Recycling Collection**

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside as soon as practicable and returned to the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter generated on the premises between collection times. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

### 84. **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 on request.

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

### 85. **DAOUA10 - Removal of Litter and Graffiti**

The owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

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

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

### 86. **DAOUA11 - Flashing Lights**

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or directed towards any external sign.

(Reason: Environmental protection)

### 87. **DAOUA12 - Forklifts**

Forklift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises must not be operated over or upon any public road or footway at any time.

(Reason: Pedestrian and traffic safety)

### 88. **DAOUA16 - Hours of Industrial Operation**

The hours of operation are restricted to between:

#### **Processing Plant**

Monday to Friday, Saturday, Sunday and Public Holidays: 24 hours

#### **Deliveries**

Monday to Friday, Saturday, Sunday and Public Holidays: 24 hours

#### **Administration Office**

Monday to Friday: 7am and 5pm

Saturday, Sunday and Public Holidays: No operation

The premises must not be open for business and machinery, including vehicles, must not be operated on the property outside of the above hours.

This condition does not apply in respect to refrigeration equipment/or machinery used if such machinery does not interfere with the amenity of adjoining properties.

(Reason: Ensure industry operates between approved hours)

**89. DAOUA19- Lighting Nuisance**

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

(Reason: Environmental amenity)

**90. DAOUA20 - Loading**

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

(Reason: Adequate servicing)

**91. DAOUA21 - Offices - Ancillary Use**

No part of the premises may be used as offices or for any other commercial activity, including a showroom or display area, except where such facility is ancillary and sub-ordinate to the principal use of the premises. The proportion of floor space of the building used for offices or showrooms and the like, must not be increased above that shown on the approved plan.

(Reason: To ensure compliance with approved use)

**92. DAOUA26 - Plan of Management**

The use must always be operated and managed in accordance with the Plan of Management, prepared by Jackson Environment and Planning Pty Ltd, dated 8 November 2021, Revision 2 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(Reason: To protect residential amenity)

**93. DAOUB01 - Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the *Environmental Planning and Assessment Regulation 2000*, the owner of the building shall furnish Council with an Annual Fire Safety Statement prepared by an accredited practitioner (fire safety). The Annual Fire Safety Statement shall be issued within 12 months of the date on which an annual fire safety statement was previously given, or if a Fire Safety Certificate has been issued within the previous 12 months, within 12 months after the Fire Safety Certificate was issued.

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

- Forwarded to the Commissioner of Fire and Rescue NSW; and
- Prominently displayed in the building.

(Reason: Fire safety)

**94. DAOUC01 - Chemical Storage**

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- a) Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- b) Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances.

(Reason: Environmental protection)

**95. DAOUC02 - Control of Litter**

The occupant or person in control of the premises must take all practicable steps to ensure that the

area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

(Reason: Environmental health)

**96. DAOUC04 - Air Emissions**

The use of the premises shall not give rise to air pollution or an offensive odour within the meaning of the *Protection of the Environment Operations Act 1997*.

(Reason: To protect human health and the environment)

**97. DAOUC05 - Dangerous Goods/Hazardous Chemical Storage**

The storage of dangerous goods and hazardous chemicals at the premises shall comply with SafeWork NSW requirements

(Reason: To protect human health and the environment)

**98. DAOUC08 - Spill Kit Required**

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spills. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

(Reason: To protect the environment)

**99. DAOUC14 - General Noise Emission Criteria**

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

(Reason: To protect residential amenity)

**100. 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)

**101. 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)

**102. DAOUE03 - Parking**

At least 35 car parking spaces (Inclusive of 2 accessible parking spaces) numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

**103. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**104. DAOUF02 - Control of Noise**

A clearly visible sign placed immediately adjacent to the entry/exit doors indicating that patrons are to leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest)



## Advisory Notes

### 105. **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 it is recommended that you contact Dial Before You Dig before excavating or erecting structures. 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 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.



### 106. **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 should contact Telstra's Network Integrity Team.

### 107. **DAANN03 - Dividing Fences**

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

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

If there is a neighbour dispute about the boundary fence, the Community Justice Centre can provide mediation services.

### 108. **DAANN08 - Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification until Council issues an amended consent.

### 109. **DAANN09 - Review of Determination**

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act 1979*, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

### 110. **DAANN12 - Works/Construction Zones**

All development sites, more than 2 storey, require a 'Works Zone' application. The applicant must apply to Council and pay the respective minimum one (1) week application fees. Provision of a Works Zone is subject to approval by the Cumberland Traffic Committee. The length of works zone approved will be determined by Council.

### 111. **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 that Act.

(Reason: To inform of relevant access requirements for persons with a disability)

**112. DAANN17 - Critical Stage Inspections - General**

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: 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)

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

The following critical stage inspections must be carried out:

- a) after the commencement of the excavation for, and before the placement of, the first footing;
- b) in relation to a critical stage inspection of a class 9a and 9c building, as defined in the Building Code of Australia-prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work;
- c) Prior to covering any stormwater drainage connections; and
- d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The Principal Certifier may nominate additional inspections which need to be carried out.

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.

The last critical stage inspection must be carried out by the Principal Certifier. Earlier critical stage inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

For each inspection the principal contractor or owner-builder must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

(Reason: Statutory Requirements)

**114. DAANN22 - Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work.

Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

If demolition is associated with the erection of or extension to an existing building, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)