

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2021/0662
Applicant:	HB Home Improvements Pty Ltd 70 Oxford Street GUILDFORD NSW 2161
Property Description:	68 McArthur Street Guildford. Part Lot 1 DP 748923
Development:	Removal of site works and associated landscaping and construction of a 2 storey place of public worship including caretaker's dwelling over 3 levels of basement car parking including landscaping and civil works.
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 Schedule A and conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
A000 Rev B Project No 2144	Cover Page	Becerra Architects	7/12/2021
A101 Rev M Project No 2144	Basement 3 Plan	Becerra Architects	14/4/2022
A102 Rev M Project No 2144	Basement 2 Plan	Becerra Architects	14/4/2022
A103 Rev N Project No 2144	Basement 1 Plan	Becerra Architects	14/4/2022
A104 Rev P Project No 2144	Ground Floor Plan	Becerra Architects	14/4/2022
A105 Rev N Project No 2144	Level 1 Plan	Becerra Architects	14/4/2022
A106 Rev F Project No 2144	Roof Plan	Becerra Architects	14/4/2022
A200 Rev N Project No 2144	Elevations	Becerra Architects	14/4/2022
A201 Rev M Project No 2144	Elevations	Becerra Architects	14/4/2022
A202 Rev M Project No 2144	Elevations	Becerra Architects	14/4/2022
A250 Rev K Project No 2144	External Finishes	Becerra Architects	14/4/2022
A300 Rev H Project No 2144	Section	Becerra Architects	14/4/2022

A310 Rev D Project No 2144	Section	Becerra Architects	14/4/2022
A800 Rev I Project No 2144	Massing Model	Becerra Architects	14/4/2022
A803 Rev G Project No 2144	Waste Management Plan	Becerra Architects	14/4/2022
Drawing Number 2482.GD.01 Issue B	Landscape Plan	Greenland Design Landscape Architects	25/4/2022
Drawing Number 2482.GD.02 Issue B	Landscape Details and Specifications	Greenland Design Landscape Architects	25/4/2022
SW-2104B-DA-01 Revision B	Survey and Locality Plan Drawing Schedule	Multipro Consultants Pty Ltd	7/4/2022
SW-2104B-DA-02 Revision B	Basement Level 03 Drainage Plan	Multipro Consultants Pty Ltd	7/4/2022
SW-2104B-DA-03 Revision B	Basement Level Drainage Details and Calculations	Multipro Consultants Pty Ltd	7/4/2022
SW-2104B-DA-04 Revision B	Ground Floor Drainage Plan	Multipro Consultants Pty Ltd	7/4/2022
SW-2104B-DA-05	On Site Detention Details and Calculations	Multipro Consultants Pty Ltd	7/4/2022
SW-2104B-DA-06	Erosion and Sediment Control Plan	Multipro Consultants Pty Ltd	7/4/2022
Certificate Number 12972258	BASIX Certificate	Gradwell Consulting	11 April 2022
	NatHERS Certificate No 0007416183	Architects Becerra	11 April 2022
	Arboricultural Impact Assessment Report	The Tree MD Pty Ltd	November 2021
	Operational Plan of Management Emergency Evacuation	MultiPro Consultants Pty Ltd	November 2021
	Access Compliance Report	PSE Access Consulting	24 November 2021
Report 21-191-Final V2	Waste Minimisation and Management Plan	MultiPro Consultants Pty Ltd	25 November 2021
Job E2740 (Revision D)	Detailed Site Investigation (DSI)	Foundation Earth Sciences	November 2021
20E-21-0415-TRP-22216-0	Development Application Noise Assessment	VIPAC	6 December 2021

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

3. DAGCA03 - Advice and conditions from service authorities (Endeavour Energy and Sydney Water Corporation)

The following additional conditions are provided from Endeavour Energy to be complied with as part of the conditions of consent.

- a) The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
- b) Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan prepared by the applicant.
- c) Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

- d) Electricity infrastructure shall be designed to be consistent with safe design lifecycle principles.
- e) The applicant will need to submit an appropriate application based on the maximum demand for electricity for connection of load to Endeavour Energy.
- f) Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
- g) Street lighting should be reviewed and if necessary, upgraded to suit any increase in both vehicular and pedestrian traffic.

The following additional conditions are also provided by Endeavour Energy and must be complied with.

- a) An extension and / or augmentation of the existing local network may be required. Whilst there are a number of distribution substations in the area (including Padmount Substation No 3922) located on the northern part of the site which are likely to have some spare capacity, it may not be sufficient to facilitate the proposed development. The extent of any works required will not be determined until the final load assessment is completed.
- b) To ensure an adequate connection, the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- c) The low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW'.
- d) The planting of large trees near electricity infrastructure is opposed by Endeavour Energy. The landscape designer will need to consider if the proposed planting of trees near the overhead power lines achieves Endeavour Energy's vegetation management requirements. If necessary the trees will need to be replaced by alternative smaller planting.

The following additional conditions are provided from Sydney Water Corporation to be complied with as part of the conditions of consent.

a) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

b) Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size.
 - Pressure wastewater pipes.
 - Drinking water or recycled water pipes.
 - Our property boundary.
 - An easement in our favour.
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:

Construction of a retaining wall over, or within the zone of influence of our assets
Excavation of a basement or building over, or adjacent to, one of our assets
Dewatering - removing water from solid material or soil.
The detailed review is to ensure that:

- Sydney Water Corporation assets will not be damaged during or because of the construction of the development and to maintain existing assets for operation and maintenance.
- The developer will be required to pay Sydney Water for the costs associated with the detailed review.

c) Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 - Planting Trees within our Technical guidelines - Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

(Reason: Statutory compliance)

4. DAGCA13 - Lapsing of Consent

This consent shall lapse unless building, engineering or construction work is physically commenced within 5 years from the date the consent operates.

(Reason: Advisory)

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

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)

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

8. 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.

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)

9. 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 all site works and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

10. DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation and construction works on site. The Plan must be prepared by a suitably qualified Acoustic Consultant, being a consultant who holds a current member grade of the Australian Acoustical Society.

The Plan must include but not be limited to the following:

- a) Identification of any noise sensitive receivers near to the site;
- b) A prediction as to the level of noise and vibration impact, including the likely number of high noise intrusive appliances/equipment likely to affect the nearest noise sensitive receivers;
- c) A statement outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then details of the following must be included in the plan:
 - i. Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
 - ii. Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- d) Confirmation of the level of community consultation that has/is and will be undertaken with the

occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during demolition and excavation phases;

- e) Details of the noise and vibration monitoring that is to be undertaken during works;
- f) The type of action will be undertaken following receipt of a complaint concerning offensive noise or vibration, including nomination of a site contact.

(Reason: Environmental and residential protection)

11. 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)

12. 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)

13. DAPDZ01 - Recommendations of detailed site investigation report

The recommendations of the Detailed Site Investigation prepared by Foundation Earth Sciences (Job Number E2740) dated 30/11/2021 are required to be adhered to throughout the duration of the development.

(Reason: To ensure the recommendations at Part 17 of the report are complied with.)

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

14. DACCA01 - Amendments to Approved Plans

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

A. Amended flood report and architectural plans

- I. The flood level comparison shall be based on the flood modelling levels (green levels). The comparison against the flood modelling levels shows that there is flood level increase in sections X3 to X14 and X34. Any increase in flood level shall be limited to 10mm.
- II. The Flood report cross sections shall be updated to incorporate the proposed structures (including substation structures) at the Woodstock Street boundary.
- III. The proposed driveway access ramp affected by minor overland flow in accordance with the flood report. In this regard ramp shall be designed prevent the flood water enter entering the basement. Updated detail plans and sections showing the compliance of above requirement shall be submitted.
- IV. Entry Forecourt details on the architectural plans must comply with the levels that are recommended in figure 5.4.3 of the flood report.

B. Stormwater plans

- I. OSD calculations shall be carried out for submerged condition as stormwater outlet is lower than top water level at the discharge point.
- II. Acute angle between the kerb alignment and proposed outlet pipe shall be minimum 45 degrees. In this regard proposed outlet pipe design shall be modified to comply with the above requirements.

(Reason: to prevent the localised flooding and to minimise the impact on Council's assets.)

C. Separation of driveways

Separation of entry exit driveway shall be provided as per Section 3.2 of the Australian standard AS2890.1. In this regard entry and exist driveway shall be separated by minimum 1.2m.

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

15. 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)

16. 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)

17. 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)

18. 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. 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)

19. 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)

20. DACCB03 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of the contribution is calculated at \$101,378. 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)

21. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	\$3,080.	Prior to issue of CC.
Sect. 7.11 Contributions	\$101,378 + CPI	Prior to issue of CC.
Bond Positive Covenant	\$6,290	Prior to issue of CC.
TOTAL	\$110,748 + CPI	

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)

22. 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)

23. 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.

24. 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 68 McArthur Street, Guildford (both Woodstock Street and McArthur Street frontages) including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

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 to 68 McArthur Street 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.)

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 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)

27. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the 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)

28. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by the registered 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 safety and amenity during construction phase)

29. DACCF02 - Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of Council or Registered Certifier. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

30. DACCF04 - On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

31. DACCF08 - Tree Planting

The following is to be provided for any new planting of trees:

Minimum soil standards for plant sizer are provided in accordance with the Table below:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m

Small trees	5-8m	<4m	3.5 x 3.5m	0.8m
Shrubs				0.5-0.6m
Turf				0.2m

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

32. DACCG05 - Off Street Car Parking - General

A minimum of 122 off-street car parking spaces including 3 for people with disabilities shall be 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)

33. 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)

34. 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)

35. 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 shall be prepared in accordance with Council's Development Control Plan and relevant policies. The plan shall be submitted and approved by the Council or Registered 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 Development Control Plan and relevant policies.

Please note that where the proposed design extends within the public road area, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

36. 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 Development Control Plan and relevant policies and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a qualified practising professional engineer with the Engineers Australia membership and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

37. 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)

38. 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 Development Control Plan and to the satisfaction of Council or Registered Certifier. Details are to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

39. DACCJ07 - Installation of Temporary Ground Anchor

Where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, a separate application form for temporary ground anchors shall be submitted with payment of the relevant fees & charges prior to the issue of a Construction Certificate. For Council to consider this option, a statement from a qualified Structural or Geotechnical Engineer must be submitted with the application demonstrating there is no other alternative method of stabilisation.

(Reason: Protection of Council assets)

40. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to Council or Registered 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 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)

41. 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)

42. DACCK01 - Dilapidation Report

A dilapidation report prepared by a suitably qualified practising engineer shall 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 pursuant to this development consent. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be submitted to the owner/s of the affected property/ies and the Council or Registered Certifier prior to the issue of a Construction Certificate. All costs shall be borne by the applicant/person acting on the consent.

Please note:

- Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage or trespass or any to carry out 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.
- 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.)

43. 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)

44. 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)

45. DACCL01 - Electricity Substation

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

(Reason: Access to utility)

46. 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 Council or Registered Certifier prior to the issue of a Construction Certificate or Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

47. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer.

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

48. 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 Vipac Engineers and Scientist Limited (Ref: 20E-21-0415-TRP-22216-0) and dated 6 December 2021.

Note: Suitably qualified Acoustic Consultant means a consultant who holds a current member grade of the Australian Acoustics Society.

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

49. 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 Council or Registered Certifier prior to the issue of the Construction Certificate.

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

50. DACCZ01 - Building Code of Australia compliance

Compliance details including:-

- A Section J Compliance Report.
- Access for people with disabilities report.

Prepared by an appropriately qualified person for each shall be submitted to the Private Certifier for assessment as part of the Construction Certificate.

(Reason: To ensure the development fully complies with the Building Code of Australia.)

51. DACCZ02 - Bond Positive Covenant

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

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

52. DACCZ03 - Hydraulic Engineers Design Certification

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

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

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

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

53. DACCZ04 - Flood Risk Management

Subject development shall comply with Council's Flood Risk Management Policy (CFRMP). In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies

- with the controls for flood risk precinct nominated in the Appendix (page 6) of the CFRMP.
- b) Supporting documents shall be submitted to and approved by Principal Certifying Authority.

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

54. DACCZ05 - On Street Drainage Design

Detail design for the proposed connection to existing Council's stormwater pit/pipe shall be submitted and approved by Cumberland Council's Executive Manager Development and Building. In this regard:

- a) Longitudinal section of the proposed stormwater outlet and the connection details, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- b) Depth of the Council pipe shall be verified and annotated on the plan.

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

55. DACCZ06 - Stormwater Disposal

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans SW-2104B-DA-01, SW-2104B-DA-02, SW-2104B-DA-03, SW-2104B-DA-04 and SW-2104B-DA-05 issue B dated 07. 04. 2022 prepared by Multipro subject to the modifications approved as part of deferred commencement consent conditions.
- ii. The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent and Council's DCP shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
- i. Discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- ii. Grated drains shall be provided directly behind the flap as per Council's standard Drawings.
- iii. OSD shall be clear of building floor and roof areas.
- iv. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- v. A minimum 10,000 litre rainwater tank shall be provided on site for water reuse purposes.

(Reason: to prevent localised flooding)

56. DACCZ07 - Parking Layout and headroom clearances

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

Furthermore:

- Headroom clearance within accessible parking shall be minimum 2500mm to comply with AS2890.6 requirements. Headroom shall be measured clear of any beams and service ducts.
- All other headroom clearances shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890.1:2004 minimum 2.2m headroom clearance shall be provided.

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

A copy of the approved plans shall be submitted to Council for its records.

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

57. DACCZ08 - Ramp Gradients

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

Copy of the approved plan shall be submitted to Council.

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

58. DACCZ09 - Basement Drainage System

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

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of (90) ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of twelve (12) hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- iv) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- v) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- vi) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: to prevent localised flooding.)

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

59. 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)

60. 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)

61. 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)

62. 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)

63. DAPCA08 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design with the 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.

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 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.
- c) Any required adjustments shall be included in the plans and submitted for approval under Section 138 of the *Roads Act 1993* prior to the release of the Construction Certificate.

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

(Reason: Public infrastructure)

64. DAPCA09 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

A separate Council approval is required. The applicant must lodge an application (available from Council's Customer Services Centre or from Council's website) and pay the appropriate fees and charges.

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.

Driveway Setbacks - A minimum of 1.0m clear setback from side property boundary to driveway shall be provided and must be perpendicular to the street frontage.

(Reason: To ensure appropriate access to the site can be achieved)

65. DAPCB04 - Removal of Trees

The following trees are approved for removal:

Species	Location
<i>Eucalyptus spp.</i> x4	Within property boundary
<i>Eucalyptus tereticornis</i> x5	Within property boundary
<i>Eucalyptus ampifolia</i> x1	Within property boundary
<i>Corymbia citriodora</i> x2	Within property boundary
<i>Acacia baileyana</i> x1	Within property boundary
<i>Grevillea robusta</i> x1	Within property boundary

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

66. DAPCC02 - Dewatering

If it becomes necessary to undertake dewatering activities at the site, prior to the commencement of dewatering, the following actions must be completed to the satisfaction of the Principal Certifier:

- a) Any required approval to dewater must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and made available to the Principal Certifier and the Council upon request.
- b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert with a copy submitted to Council. The DMP must:
 - State why de-watering is necessary and confirm any required approvals;
 - Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
 - Detail the proposed dewatering technique;
 - Outline anticipated dewatering flow rate and total dewatering duration;
 - Detail the controls (e.g. settling tank, turbidity curtain etc) and the method of discharge to ensure compliance with any conditions of approval and requirements of the Protection of the Environment Operations Act 1997;
 - Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;
 - Include a requirement that records be kept on site at all times and be available to the Principal Certifier, Council or other appropriate regulatory authority upon request;
 - Provide a contingency plan in case of an emergency situation;
 - Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;
 - State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
 - State that the water quality monitoring will be self-certified by an experienced water quality expert.
 - State that water quality parameters will be tested bi-weekly.

Reason: To minimise/prevent impacts on waterways)

67. DAPCZ01 - Drainage Construction Council's Drainage Within the Subject Site

Connection to Council's pipe drainage system shall be completed to Council's satisfaction at no cost to Council. In this regard:

- a) A separate construction approval shall be obtained from Council's Engineering Section.
- b) Council's inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:

- i) After the excavation of culvert/pipeline trenches.
- ii) After the laying of all culvert/pipes prior to backfilling.
- iii) After the formwork for pits prior to pouring concrete.
- iv) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

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

Conditions which must be satisfied during any development work

68. 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.

(Reason: To minimise impacts on neighbouring properties)

69. 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)

70. 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 Principal Certifier or Council on request.

(Reason: Compliance with condition of consent)

71. 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)

72. 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.)

73. DADWA09 - Electricity and Telecommunication Connections - New Commercial Development, Industrial Development and Residential Development Other than New, Alterations and additions, Dwelling Houses, Secondary Dwellings and Dual Occupancies

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

74. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

75. DADWA12 - Compliance with the Noise Management Plan

All demolition, excavation and construction works carried out on the site pursuant to this consent must be carried out in accordance with the approved Noise Management Plan.

(Reason: To protect residential amenity)

76. DADWA13 - Compliance with Hazardous Materials Survey Report

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

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

77. DADWA14 - Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW EPA's *Waste Classification Guidelines*, Part1: Classifying Waste (2014). The materials must also be transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and the requirements of their relevant classification.

(Reason: Environmental protection)

78. DADWA15- Importation of Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

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)

79. 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)

80. DADWA19 - Excavation Pump-out

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the prior approval of Council is obtained. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Fresh and Marine Water Quality and the NSW Department of Housing, Managing Urban Stormwater - Soils and Construction 2004.

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative approved means.

Results of water testing shall be provided to Council or, if a validation report is required, within that report. Where water is disposed of by alternate means, details of the off-site disposal shall be provided to Council or, if a validation report is required, included within that report.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental amenity)

81. 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 of 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)

82. DADWA22 - Dust Control - Major Works

As and when directed by Council, measures identified below are to be implemented to control the emission of dust:

- a) Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
- b) 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.
- c) Soil and material stockpiles are to be kept damp or covered.
- d) Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) 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)

83. DADWA23 - Major Works

As and when directed by Council, measures identified below are to be implemented to control the emission of dust:

- a) Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
- b) 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.
- c) Soil and material stockpiles are to be kept damp or covered.
- d) Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) 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)

84. 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)

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)

87. DADWC04 - Survey Report - Minor Development

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows to ensure compliance with the approved plans:-

- a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- b) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

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

(Reason: To ensure compliance with approved plans)

88. 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)

89. 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)

90. 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)

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

91. 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)

92. DAOCA03 - S73 Compliance Certificate

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

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

93. DAOCA04 - Engineers Certificate

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

94. 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.

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

The abovementioned Certificate is to certify that:

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

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

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

(Reason: Asset management)

95. DAOCA10 - Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

(Reason: To clearly identify the street number of the property)

96. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

- a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- b) Reconstruct existing public drainage pit/pipe system, and/or
- c) Construct a new vehicular crossing, and/or
- d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

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

97. DAOCA12 - Construction of Concrete Footpath

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

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

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

98. 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)

99. 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 Vipac Eng-TRP-22216-0 and dated 6 December 2021 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 being a consultant who holds a current member grade of the Australian Acoustical Society.

(Reason: To protect residential amenity)

100. DAOUA26 - Plan of Management

The Plan of Management submitted by the applicant shall be amended to include details of the following:

- The number of worshippers including religious training facilities/classes shall not exceed 20 between Saturdays to Thursdays.
- The number of worshippers including religious training facilities/classes shall not exceed 170 for Friday prayers.
- The number of worshippers including religious training facilities/classes shall not exceed 300 during any festivals.
- Details of management of carparking during festivals shall be included in the plan.

The Plan of Management shall be submitted to and approved by Council prior to the issue of any Occupation Certificate.

(Reason: To protect residential amenity)

101. DAOCB06 - Monitoring of Field Parameters

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

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

102. 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)

103. DAOCG02 - Noise Limiter

Prior to commencement of use, all sound amplification equipment must comply with the following:

- a) All speakers associated with any amplification equipment are to be located entirely within the building.
- b) All sound amplification equipment and associated noise limiters shall be approved by a suitably qualified acoustic consultant* in accordance with the manufacturer's specification to ensure that resultant amplified sound complies with the entertainment noise emission criteria set out in this consent and any other relevant criteria identified in the acoustic reports associated with this application.
- c) On setting the noise limiters an acoustic compliance report shall be prepared by the acoustic consultant identifying the limiter settings, a block diagram of the sound systems, identification of the type and location of speakers and measurement results with a confirmation of acoustic compliance. A copy of this report must be kept on the premises at all times and be able to be produced on request of a Council officer.
- d) The limiter and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant and occupier.
- e) There shall be no modifications to the sound system with respect to replacement amplifiers or speakers without recalibration of the limiter settings and recertification as set out in part (c) of this condition.

Note: Suitably qualified Acoustic Consultant, being a consultant who holds a current member grade of the Australian Acoustical Society.

(Reason: To protect residential amenity)

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

Prior to the issue of an Occupation Certificate, a positive covenant and/or a restriction as to user shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council for requiring the ongoing retention, maintenance and operation of the stormwater system inclusive of any on-site stormwater detention together with any related compensatory flood storage, overland flowpath, pollution control device, mechanical pump-out system or charged line system.

Council shall be identified as the authority with power to release, vary or modify the covenant / restriction.

(Reason: Compliance and adequate maintenance of drainage system.)

105. DAOCH03 - OSD Identification Plate

Prior to the issue of an Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the on-site stormwater detention (OSD) system that advises the registered proprietor of their responsibility to maintain the OSD facility and to not tamper with it in any manner without the written consent of Council. The wording and plate shall be in accordance with Council's requirements.

(Reason: To promote the ongoing maintenance of the OSD system)

106. DAOCZ01 - Hydraulic Engineers Flood Certification

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

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

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

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

107. DAOCZ02 - Overland Flowpath Registration

Prior to the issue of an Occupation Certificate, a positive covenant and/or a restriction as to user shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council for requiring the ongoing retention, maintenance and operation of the overland flowpath.

Council shall be identified as the authority with power to release, vary or modify the covenant / restriction.

(Reason: to ensure overland flow path is maintained within the site.)

108. DAOCZ03 - Sydney Water Clearance

Prior to the issue of an Occupation Certificate, clearance letter from Sydney water shall be obtained for the works within the Sydney Water easements.

Copy of the letter shall be submitted to Council.

(Reason: to ensure works within Sydney water easement comply with Sydney Water requirements.)

109. DAOCZ04 - Delivery Vehicle Management Plan

A delivery vehicle management plan shall be prepared to prevent the conflicts with car parking spaces. The vehicle management plan shall be submitted to and approved by Principal Certifying Authority. The vehicle management plan shall be in force all the time.

(Reason: to prevent the conflicts between parking and loading operations.)

110. DAOCZ05 - Structural Engineering certificate

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

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

111. DAOCZ06 - Maintenance Schedule

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

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

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

112. 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)

113. DAOUA14 - Hours of Operation and maximum intensity of use

The hours of operation are restricted to between 5 am and 9.30 pm daily and the maximum numbers permitted on site are:-

- Normal worship services No greater than 170 patrons.
- Festivals No greater than 300 patrons.
- Training No greater than 20 patrons

Additionally, the training room shall not operate during times worship services are occurring to avoid excessive numbers of patrons on site.

(Reason: Ensure business operates between approved hours)

114. 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)

115. 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)

116. 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)

117. 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)

118. DAOUC18 - No speakers or Amplified Sound Equipment and no prayer activities 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.

In addition, there shall be no prayer activities undertaken external to the building under any circumstances.

(Reason: To protect residential amenity)

119. DAOUD02- Landscape Maintenance - General

All open space areas are to be regularly maintained in a neat and tidy state. In this regard, lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain their trees in a safe growing condition.

(Reason: Safety and landscape amenity)

120. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety.)

121. DAOUZ01 - Surrender of Development Consent DA/394/2011

The previous development consent DA/394/2011 for 65 McArthur Street Guildford and 68 McArthur Street Guildford for "Use of a portion of an existing industrial building fronting Marian Street as a place of worship and use of Number 68 McArthur Street as a car park for the place of worship" shall be surrendered to Council within 3 months of the issue of the Occupation Certificate for the new building.

(Reason: To ensure the existing development consent is surrendered to avoid conflict of land uses on site.)

122. DAOUZ02 - Annual Maintenance Inspection of OSD

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

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

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

Advisory Notes

123. 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.



124. 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.

125. 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.

126. 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.

127. 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.

128. 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 six months after the date the decision appealed against is notified or registered on the NSW Planning Portal occurs.

129. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

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 that Act.

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

131. 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)