

Application No: DA2021/0693

Applicant: Gyde Consulting
Level 6
120 Sussex Street
SYDNEY NSW 2300

Property Description: 203-211 Merrylands Road, 213 Merrylands Road & part 28-36 McFarlane Street MERRYLANDS NSW 2160, Lot 18G DP 383945, Lot 1 DP 658197, Lot D DP 344249, part Lot 45 Sec A DP 7916 & Lot 46 Sec A DP 7916

Development: Construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting. This project is proudly funded by the NSW Government through its NSW Public Spaces Legacy Program and in association with Cumberland City Council

Determined by: Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**

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

(Reason: Advisory)

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

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
Landscape Plans, Project no. 2129			
L-001, Rev B	Legend & Landscape – Sheet 1	Turf Design Studio Pty Ltd	17/02/2022
L-002, Rev B	Legend & Landscape – Sheet 2	Turf Design Studio Pty Ltd	17/02/2022
L-050, Rev A	Specification	Turf Design Studio Pty Ltd	17/02/2022
L-520, Rev B	Planting Plan & Schedule	Turf Design Studio Pty Ltd	17/02/2022
L-DA-8, Issue A	Context Plan & Stages	Turf Design Studio Pty Ltd	17/12/2021
Issue A	Landscape Report	Turf Design Studio Pty Ltd	17/12/2021
Stormwater Plans, Project no. 6593			
CV-0010, Rev 3	Drainage Works General Plan	Enstruct Group Pty Ltd	15/12/2021
CV-0100, Rev 1	Erosion & Sediment Control Plan	Enstruct Group Pty Ltd	10/12/2021

CV-0201, Rev 1	Stage 1 Civil Works	Enstruct Group Pty Ltd	15/02/2022
CV-0202, Rev 1	Stage 2 Civil Works	Enstruct Group Pty Ltd	15/02/2022
CV-0401, Rev 1	Longsections Sheet 1	Enstruct Group Pty Ltd	15/02/2022
Project 6593, Rev 03	Civil Design Report	Enstruct Group Pty Ltd	16/12/2021
	Subdivision Plan	RPS Surveyor	14/12/2021
Ref. 20221835, Rev 2	Arboriculture Impact Assessment Report	Australis Tree Management	17/12/2021
Project 206777.01, Rev 0	Detailed Site Investigation Report	Douglas Partners	15/12/2021
Project 206777.01, Rev 4	Remedial Action Plan	Douglas Partners	23/03/2022
Project 206777.01, Rev 0	Salinity Investigation and Management Plan	Douglas Partners	13/12/2021
PR150960, Rev 1	Waste Management Plan	RPS Group	9/12/2021
	Access Report	Morris Goding Access Consulting	10/12/2021
	Correspondence and Conditions	NSW Police	10/02/2022
CNR-33963	Correspondence and Conditions	Endeavour Energy	14/01/2022
171347	Correspondence and Conditions	Sydney Water Corporation	10/02/2022

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

3. DAGCD03 - Land Remediation (no auditor engaged)

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by Douglas Partners (Project No. 206777.01, Rev 4) dated 23 March 2022. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions or recommendations about site contamination must be immediately notified to the Principal Certifier. Any required variations to the Remedial Action Plan must be documented and approved by a suitably qualified environmental consultant, with a copy of the documentation provided to Cumberland City Council.

(Reason: To ensure compliance with requirements of Remedial Action Plan for contaminated sites)

4. DAGCZ01 – Staging of Construction Works

The development shall be completed in two stages, in accordance with the approved Staging Plan, as listed within Condition No. 2.

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

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

5. 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)

6. DACCZ01 – Detailed Asbestos Investigation

Prior to the issue of any Construction Certificate, Detailed Asbestos Investigation shall be undertaken following the demolition of the structures to ensure that the site can be assessed in accordance with the NSW EPA sampling design guidelines. Depending on the outcome of the investigation, the Remediation Action Plan shall be revised to accommodate the result of the Detailed Asbestos Investigation as part of the recommendation set out in the Detailed Site Investigation prepared by Douglas Partners (Project 206777.01, Rev 0) dated 15 December 2021. Depending on the result of that investigation, an amended Remediation Action Plan may be required to be prepared and submitted to Council for assessment and comment.

(Reason: To ensure compliance with requirements of Detailed Site Investigation for contaminated sites)

7. 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)

8. 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)

9. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$6,660.00 (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)

10. 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)

11. 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)

12. DACCC02 - Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like under any circumstances unless approved in writing by Council.

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

(Reason: Safety)

13. DACCE02 - Construction Management Plan

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

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

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

14. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council or 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)

15. 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)

16. 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)

17. 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)

18. DACCK05 - Salinity

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

(Reason: Ensure appropriate construction methods are used)

19. 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 or retaining structures)

20. 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 or structural elements of the building)

21. 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)

22. DACCZ02 - Water Play Areas

Prior to the issuing of the Construction Certificate, plans and specifications for the design and construction of any/all water features that are to be installed on the site, including, the supply of water (reticulated or non-reticulated) and any associated features and equipment to be installed as part of

the features, are required to be submitted to Council for assessment and comment. Information required should include, but not be limited to:

- a) Full plans and specifications of the design and construction of any/all water features that are to be installed, including but not limited to, the supply of water, holding tanks area where this water will be held and recycled to be used as maintenance for the green space, and or information on how wastewater will be directed if not held or reticulated for use.
- b) Where misting units are to be installed, provide information of their installation and operation in accordance with the relevant provisions of:
 - Public Health Act 2010 and Public Health Regulation 2012
 - Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
 - Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

Misting systems and specialised plantings to be consulted with the relevant staff on the specification.

- c) Where the waterplay design triggers swimming pool legislation, appropriate signage, water treatment including plant room facility shall be designed to ensure that users are not exposed to health issues including cryptosporidium and faecal infections.
- d) Waterplay area shall be provided with localised nonslip surfacing and a flow through design with low pressure outlets water system .
- e) Annual maintenance cost estimates shall be submitted, including water jets, pumps and other auxiliary equipment, and water quality testing requirements.

(Reason: To protect human health and the environment)

23. DACCZ03 - Long Term Environmental Management Plan

A Long-Term Environmental Management Plan (LTEMP), as identified by the Remediation Action Plan, shall be prepared by a suitably qualified land contamination consultant and submitted to Council for assessment and comment within 12 months of the issue of Occupation Certificate. A LTEMP, in the event that any identified contamination is to remain on site, will be required to be included on the Section 10.7 Planning Certificate and the landowner will be responsible for its implementation, maintenance, management, and reporting.

(Reason: To ensure compliance with requirements of Remedial Action Plan for contaminated sites)

24. DACCZ04 – Sydney Water Asset

Written consent from Sydney Water shall be obtained for the following:

- a) Proposed works over the Sydney water channel.
- b) Stormwater disposal from the Stage 2 of the subject development to Sydney water channel.

The above written consent shall be submitted to and approved by the Certifying Authority.

(Reason: to ensure Sydney Water consent is obtained for the stormwater disposal to their channel and the works over their asset.)

25. DACCZ05 – Flood Report

Works are proposed within the 1% AEP flooding. In this regard, flood report shall be submitted by suitably qualified engineer to ensure development will not have adverse impact on flood levels or adjoining sites.

(Reason: to ensure development will not have adverse impact on the flood levels or adjoining sites.)

26. DACCZ06 – Public Domain Design

Public domain design plans including public domain design plans shall be submitted to and approved by Cumberland Council's Executive Manager Development and Building. In this regard,

- a) Detail design of roads including kerb & gutter and footpath, setting out plans, signposting and design contour plans and street lighting plans shall be submitted for assessment.
- b) Localised low points and ponding areas shall be removed in the footpath design.
- c) Any changes Traffic signs and line markings shall be designed in consultation with Council's Traffic Section. Signposting and line marking plans shall be submitted to and approved by Council's Local traffic committee.
- d) Adequate pedestrian sight distance shall be provided at the raised section of the Main Lane.

- e) Service vehicle access to the site shall be provided.
- f) Construction methodology and construction programme shall be submitted by the contractor.
- g) Written approval from relevant authorities shall be obtained for the street lighting and other required service adjustments.
- h) All the dimensions shall be marked on the plans.
- i) All the costs shall be borne by the applicant.

In this condition, 'Public domain area' means the public areas that are located outside the boundaries of the subject development sites, such as, road, footpath, street signs, street drainage etc..

(Reason: to ensure public domain works have been designed as per Council's requirements.)

27. DACCZ07 – Stormwater Disposal

Stormwater runoff generated from the development shall be discharged by gravity system as per approved plans. In this regard,

- a) The proposed stormwater system shall be generally in accordance with the stormwater concept plan CV-0010 issue 3 dated 15. 12. 2021 prepared by Enstruct.
- b) The detail design and construction details of the stormwater 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. Stormwater design for the Main Lane shall be incorporated in the design.
 - ii. Adequate stormwater surface inlet pits shall be provided to collect the stormwater runoff from the site.
 - iii. Stormwater runoff from the entire sit shall be collected and discharged by gravity pipe drainage system.
 - iv. Written approval shall be obtained from the Sydney Water for the stormwater disposal to their system.

(Reason: to prevent localised flooding)

28. DACCZ08 – Parks and Open Space

Prior to the issuing of the Construction Certificate, plans and specifications for the design and construction of the following matters are required to be submitted to Council for assessment and comment. Information required should include, but not be limited to:

- a) Smart poles are to be located at regular intervals throughout the park area and to consider sensor light activation and dimming, banner arms, wireless and USB charging, CCTV, and power outlets for the holding of events.
- b) Fully detailed and specified civil and structural engineering / hydraulic / irrigation / lighting and landscape construction plans, as well as integrated public art.
- c) Areas of lawn grass are consistent with the proposed planting pallet for native understorey planting as *Microlaena stipoides* (Weeping Grass).
- d) Bench seat to be PEFC certified jarrah, spotted gum or clear aluminium battens.
- e) An Interpretation Strategy for the site must be submitted and shall include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site. Refer to the details of Yerrabingin (Landscape Report Appendix A) for the development of an Art and Interpretation Plan.

(Reason: to ensure public facilities have been designed as per Council's requirements.)

29. DACCZ09 – Waste Management

In addition to the waste and recycling bins, cigarette butt bins should be installed at the north and south entrances.

(Reason: to ensure waste facilities have been designed as per Council's requirements.)

30. DACCZ10 – Staging Requirements

Prior to the issue of each stage of the Construction Certificate, the conditions contained within this development consent shall apply separately and individually to each and every single stage of the development. In this regard, all construction works are to be completed in accordance with the endorsed Staging Plan.

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

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

31. 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)

32. 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)

33. 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)

34. 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)

35. DAPDB10 –, Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic 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 impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted 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 a suitable proposal must be given

as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;

- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

36. DAPDB12 – Sediment and Erosion Control Measures

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

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

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

37. DAPDZ01 – 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.)

38. DAPDZ03 – Service Relocation/Adjustment

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

(Reason: to protect utility services)

39. 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)

40. DAPCA09 - 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)

41. DAPCB03 - Protection of Landscape Features

To limit the potential for damage to the following tree/s to be retained, the area beneath their canopies must be fenced prior to the commencement of demolition, excavation or building works.

Species	Location
<i>Platanus X hybrida</i> x3	McFarlane street frontage

The fencing must extend beyond the trees' trunk as per the recommendation of the approved arborist report from Australis Tree Management, be at least 1.8m high, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

42. DAPCC01 - Salinity

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

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

43. DAPCC02 - Dewatering

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

- (a) Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request;
- (b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:
- i. State why de-watering is necessary and confirm any required approvals;
 - ii. Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
 - iii. Detail the proposed de-watering technique;
 - iv. Outline anticipated dewatering flow rate and total dewatering duration;
 - v. Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to ensure compliance with conditions of approval and requirements of the *Protection of the Environment Operations Act 1997*;
 - vi. 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;
 - vii. Records are to be kept on site at all times and be available to the appropriate regulatory authority upon request;
 - viii. Provide a contingency plan in case of emergency situation;
 - ix. Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC/ARMCANZ 2018). Where the ANZECC/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;
 - x. State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
 - xi. State that the water quality monitoring will be self-certified by an experienced water quality expert.
 - xii. State that water quality parameters will be tested bi-weekly.
- (Reason: To minimise/prevent impacts on the water table and nearby waterways)

Conditions which must be satisfied during any development work

44. 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)

45. DADWA02 - Dust Control

Where applicable, the following are to be satisfied/complied with during demolition, construction and

any other site works:

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

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

46. 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)

(Reason: Environmental protection)

47. 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)

48. 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)

49. DADWA07 - General Site Requirements during Construction

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

- a)
- 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.)

50. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

51. 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)

52. 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. 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)

58. 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)

59. DADWB01 - Arborist Inspections

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

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

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

60. 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)

61. DADWB07 - Tree Preservation - Excavation within the Structural Root Zone (SRZ)

To minimise disturbance to retained trees, no excavation shall take place within the Structural Root Zone, as defined in section 3.3.5 of AS 4970 - 2009 'Protection of Trees on Development Sites', of trees to be retained. Any approved excavation that may impact SRZ area may of tree to be retained, as per this consent, are to be undertaken only by hand under the supervision of an AQF Level 5 Project Arborist.

Species	Location	TPZ	SRZ
<i>Platanus X hybrida</i>	McFarlane st frontage	3600mm	2000mm

In the event that major structural or feeder roots (>50mm in diameter) are encountered during excavation works, the consulting arborist is to recommend and or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or work, a practicing structural engineer must certify that the proposal complies with the National Construction Code and/or Australian Standards.

(Reason: Tree preservation)

62. 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)

63. 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)

64. DADWC05 - Salinity

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

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

65. DADWC16 – Waste Management during works

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)

66. 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 203-211 Merrylands Road and 28-36 McFarlane Street, Merrylands 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 203-211 Merrylands Road and 28-36 McFarlane Street, Merrylands 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.

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

67. 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)

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

68. 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)

69. DAOCA02 - Final Clearance

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

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

70. 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).

71. DAOCA04 - Engineers Certificate

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

72. 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) "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 proposed driveway and layback, and/or

- (v) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

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

(Reason: Asset management)

73. 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)

74. DAOCA12 - Construction of Concrete Footpath

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

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

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

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

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

75. DAOCB05 - Site Remediation and Validation

Prior to the issue of any Occupation Certificate a Site Validation Report is to be prepared by a suitably qualified environmental consultant in accordance with the *Contaminated Land Management Act 1997* and any relevant guidelines endorsed by the NSW EPA, and a copy submitted to the Principal Certifying Authority. The Validation Report is to satisfactorily document the following:

- a) Confirmation that the site has been remediated and validated in accordance with the recommendations set out within the Remedial Action Plan (RAP) prepared by Douglas Partners (Project No. 206777.01, Rev 4) dated 23 March 2022, and the guidelines that are in force from time to time under the *Contaminated Land Management Act 1997*.
- b) Details of any approved variations to the RAP made by a suitably qualified environmental consultant and a copy of the revised RAP provided to Council. Note: Where the variation alters the approved development consent plans, appropriate prior approval from Council must be sought for the changes.
- c) Verification that the site is suitable for the proposed approved use with clear justification.

(Reason: To ensure controls are in place for contamination management in accordance with SEPP Resilience and Hazards 2021)

76. DAOCB06 - Monitoring of Field Parameters

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

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

77. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To comply with Council's requirements.)

78. DAOCH04 - Evidence of Consolidation

The existing allotments of Lot 18G DP 383945, Lot 1 DP 658197 and Lot D DP 344249 shall be consolidated into a single lot. The existing allotments of part Lot 45 Sec A DP 7916 and Lot 46 Sec A DP 7916 shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

(Reason: Information)

79. DAOCZ01 – Public Domain Construction

A clearance letter shall be obtained from Council for following:

- a) Public domain works have been completed to the satisfaction of Cumberland Council's Executive Manager Development and Building.

(Reason: to ensure public domain works have been constructed as per Council's requirements.)

80. DAOCZ02 – Hydraulic Engineering Certificate

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

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

Prior to the issue of any Occupation Certificate, the written verification shall be submitted to and approved by Principal Certifying Authority.

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

81. DAOCZ03 – Parks and Open Space

Prior to the issuing of any Occupation Certificate, the following matters are required to be submitted to Council that should include, but not be limited to:

- a) A Planting Establishment and Maintenance Period of 1 year (for each stage of the development) shall be the responsibility of the developer, prior to handing over to Council. The period is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning, and plant replacement, as well as the requirements of all operational systems including water play, misting systems, irrigation and lighting.
- b) A comprehensive 10 year Maintenance Plan incorporating a schedule of all proposed works, asset values and annual maintenance cost estimates, must be provided to Council's City Maintenance at the end of the planting Establishment and Maintenance Period, to guide the ongoing use of all operational systems and maintenance of the open space area.
- c) Certification from a level 3 comprehensive registered playground certifier that the water play area conforms to all Australian Standards including AS 4685:2014 (Parts 1-6), AS/NZS 4422/1996 (and amend. 1 1999) and AS/NZS 4486.1-1997.
- d) Supplier warranties and maintenance manuals for all products to be provided at practical completion.

(Reason: to ensure compliance with the public facilities requirements)

82. DAOCZ04 – Submission of a Final Arts Plan

A Final Arts Plan is to be prepared and submitted to the Cumberland Council's Executive Manager Development and Building for approval prior to the issue of an Occupation Certificate. The Final Arts Plan is to be prepared in accordance with the Preliminary Arts Plan which forms part of this development consent and is consistent with the Interpretation Strategy.

(Reason: to ensure a coherent and cohesive application of public art for the public domain)

83. DAOCZ05 – Interpretation Strategy

Prior to the issue of any Occupation Certificate, the approved Interpretation Strategy shall be implemented to the satisfaction of the Cumberland Council's Executive Manager Development and Building. The approved Interpretation Strategy is to provide context and sense of place by incorporating cultural and heritage values to the interpretation of the site.

(Reason: to ensure compliance with development consent and to ensure a coherent and cohesive application of interpretation for the public domain)

84. 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)

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

85. DASCA04 – Application for Subdivision Certificate

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

(Reason: To comply with statutory requirements)

86. DASCA05 – Section 73 Compliance Certificate from Sydney Water

A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate confirming satisfactory arrangements have been made for the provision of water and sewer services. An application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website to learn more about applying through an authorised WSC or Sydney Water.

The original Section 73 Certificate must be provided to Council prior to the issue of Subdivision Certificate.

(Reason: To comply with statutory requirements)

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

87. DAOUC04 - Air Emissions

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

(Reason: To protect human health and the environment)

88. 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:
 - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - ii. Background noise measurements must not include noise from the development but

- may include noise from necessary ventilation at the affected premise.
- d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfL.

(Reason: To protect residential amenity)

89. DAOUC19- Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan prepared by RPS Group, dated 9/12/2021, reference PR150960, Rev 1.
Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

Advisory Notes

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.



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.

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.

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.

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.

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.

DAANN12 - Works/Construction Zones

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

DAANN13 - Work Health and Safety

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

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)

DAANN17 - Critical Stage Inspections - General

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

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

(Reason: Statutory requirement)