

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2022/0463
Applicant:	Pacific Planning Pty Ltd Level G, 16 Leavesden Place, Sylvania, NSW 2224
Property Description:	276-278 Parramatta Road AUBURN NSW 2144, 60-68 Hampstead Road AUBURN NSW 2144, 280-282 Parramatta Road AUBURN NSW 2144 Lot B DP 26290, Lot C DP 26290, Lot D DP 26290, Lot E DP 26290, Lot 16 DP 2867 & Lot 17 DP 2867
Development:	Demolition of existing structures and construction of a seven (7) storey building comprising of specialised retail premises and a hotel over basement car parking within Stage 1, and partial demolition of structures and construction of temporary loading bay within Stage 2 – of approved Concept approval for mixed use development
Determined by:	SCCPP

CONDITIONS OF CONSENT

Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6A) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 2 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

Schedule 'A'

2. **DADCZ01 – Updated Traffic Report / Temporary Loading Manoeuvring**

Updated traffic report swept path analysis addressing following shall be submitted to and approved by Council:

- The right turn entry to the site is prohibited by TfNSW. In this regard, the impact of this restriction shall be analysed in the traffic report to ensure that there is no significant impact on the efficiency and safety of the surrounding network.
- Appropriate safety measures shall be incorporated to improve the safety during the use of proposed coach/bus within the loading area.
- Heavy Rigid Vehicle manoeuvring shall be clear of the adjoining loading area.
- Swept path analysis for all the loading/waiting bay uses shall be provided.

(Reason: to ensure the traffic report addresses the outstanding matters.)

3. **DADCZ02 – Connection/modification to Council's pipe system**

Concept design for the proposed connection and modification to existing Council's stormwater pipe/culvert shall be submitted to and approved by Council. In this regard:

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

- c) Details of the existing and proposed pipes and pits shall be clearly annotated on the plans.

(Reason: to ensure the modification to Council's assets comply with Council's requirements.)

4. DACZ03 – Amended architectural plans

Amended architectural plans addressing following shall be submitted to and approved by Council:

- All the parking spaces shall be designed as visitor parking spaces. Turning areas shall be provided at the blind aisles in Level C1 as per Australian standard AS2890.1 requirements.
- Minimum 2.0m separation of entry and exist driveway shall be provided at the site boundary. Detail dimensions shall be annotated on the plans.
- Adequate queuing area shall be provided in accordance with Section 3.4 of the Australian standard AS2890.1. The queuing area in front of the entry control point shall be annotated on the plans.

(Reason: to ensure access driveway and queuing length comply with Australian standard AS2890.1 and Council's requirements.)

5. DADCZ04 – Food Premises

Detailed plans for the retail food premises areas on Level 0 and Level 3 are required to be submitted to Council for assessment and comment. The plans are required to be prepared in accordance with Australian Standard AS4674-2004 (Design, Construction & Fitout of Food Premises) and Standard 3.2.3 Food Standards Code.

Details of any wastewater/grease trap system associated with the retail food premises areas on Level 0 and Level 3 are required to be submitted to Council for assessment and comment.

(Reason: To ensure compliance with the relevant AS and the Food Standards Code)

6. DADCZ05 – Crime Prevention Through Environmental Design (CPTED)

Documentation demonstrating compliance with the recommendations of the Crime Prevention Through Environmental Design (CPTED) Report must be submitted to and approved by Council, which shall include the following.

- A Plan of Management that integrates CPTED guidelines and Safety by Design for surveillance, access control, hours of operation and maintenance recommendations, including an Environment Maintenance Plan.
- Mechanism to provide a copy of the Fire Safety Certificate and a Traffic Report containing number of accidents and incidents logged on the development site to Auburn Police.

(Reason: To ensure the implementation of CPTED measures)

General Conditions

7. 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)

8. 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	Rev/Date/s
<i>Architectural Plans</i>			
DA2-A-N010	Site Plan	Smith & Tzannes	B / 17/08/2022
DA2-A-N011	Staging - Whole Site	Smith & Tzannes	B / 04/03/2022
DA2-A-N012	Demolition Plan - Stage 1	Smith & Tzannes	C / 17/08/2023
DA2-A-N013	Demolition Plan - Stage 2	Smith & Tzannes	C / 17/08/2023
DA2-A-N014	Waste & Loading - Stage 1	Smith & Tzannes	H / 11/08/2023
DA2-A-N100	Level C3 - North Site	Smith & Tzannes	I / 10/08/2023
DA2-A-N101	Level C2 - North Site	Smith & Tzannes	K / 10/08/2023

DA2-A-N102	Level C1 - North Site	Smith & Tzannes	K / 21/04/2023
DA2-A-N103	Level 0 - North Site	Smith & Tzannes	J / 17/08/2023
DA2-A-N103	Level 0 - North Site E - with Loading	Smith & Tzannes	P / 21/04/2023
DA2-A-N104	Level 1 - North Site	Smith & Tzannes	J / 14/04/2023
DA2-A-N105	Level 2 - North Site	Smith & Tzannes	K / 14/04/2023
DA2-A-N106	Level 3 - North Site	Smith & Tzannes	J / 05/04/2023
DA2-A-N107	Level 4 - North Site	Smith & Tzannes	I / 01/02/2023
DA2-A-N108	Level 5 - North Site	Smith & Tzannes	I / 01/02/2023
DA2-A-N109	Level 6 - North Site	Smith & Tzannes	I / 01/02/2023
DA2-A-N110	Roof - North Site	Smith & Tzannes	H / 21/04/2022
DA2-A-N150	Level Food Tank - North Site	Smith & Tzannes	F / 21/04/2023
DA2-A-N160	HOTEL ROOMS	Smith & Tzannes	B / 04/03/2022
DA2-A-N200	Elevations - North & South	Smith & Tzannes	G / 19/04/2023
DA2-A-N201	Elevations - East & West	Smith & Tzannes	D / 04/03/2022
DA2-A-N202	Sections	Smith & Tzannes	C / 10/08/2023
DA2-A-N203	Elevational Facade Details	Smith & Tzannes	B / 20-04-2023
DA2-A-N204	Flood Storage Sections	Smith & Tzannes	A / 18/04/2023
DA2-A-N205	Gradients	Smith & Tzannes	B / 19/04/2023
DA2-A-N804	Tenancy Schedules	Smith & Tzannes	E / 04/03/2022
DA2-A-N810	Materials & Finishes	Smith & Tzannes	C / 04/03/2022
DA2-A-N811	Building Envelope	Smith & Tzannes	B / 30-08-2022
DA2-A-N815	Height Plane	Smith & Tzannes	B / 30-08-2022
DA2-A-N816	Photomontage - Parramatta Road	Smith & Tzannes	A / 09/03/2022
DA2-A-N817	Photomontage - Hampstead Road	Smith & Tzannes	A / 09/03/2022
DA2-A-N850	Proposed Views From The Sun 1	Smith & Tzannes	A / 04/03/2022
DA2-A-N851	Proposed Views From The Sun 2	Smith & Tzannes	A / 04/03/2022
Landscape Plans			
48-19.00 S1	Coversheet	Distinctive	D / 07/02/22
48-19.01 S1	Landscape Master Plan	Distinctive	D / 07/02/22
48-19.02 S1	Sheet Directory	Distinctive	D / 07/02/22
48-19.03 S1	Mood Board Imagery 01	Distinctive	D / 07/02/22
48-19.04 S1	Mood Board Imagery 02 D	Distinctive	D / 07/02/22
48-19.05 S1	Mood Board Imagery 03	Distinctive	D / 07/02/22
48-19.10 S1	Ground Floor Landscape Plan	Distinctive	D / 07/02/22
48-19.11 S1	19.11 S1 Ground Floor Landscape Plan	Mood Board Imagery	D / 07/02/22
48-19.12 S1	Level One Landscape Plan	Distinctive	D / 07/02/22
48-19.13 S1	Level Three Landscape Plan	Distinctive	D / 07/02/22
48-19.14 S1	Level Four Landscape Plan	Distinctive	D / 07/02/22
48-19.20 S1	Planting Palette Mood Board	Distinctive	D / 07/02/22
48-19.21 S1	Planting Palette	Distinctive	D / 07/02/22
48-19.22 S1	Plant Schedule & Notes	Distinctive	D / 07/02/22
48-19.23 S1	Material Palette	Distinctive	D / 07/02/22
48-19.30 S1	Landscape Elevations	Distinctive	D / 07/02/22
48-19.40 S1	Landscape Details	Distinctive	D / 07/02/22
Reports			
TM380-01D02 Acoustic Assessment for DA (r2)	Acoustic Assessment for DA	Renzo Tonin & Associates	7 March 2022
PROJECT NUMBER: 23.011	CPTED Report	The Design Partnership	B / 18 August 2023

Report No.: 02/23	Loading Dock Management Plan – Parking Utilisation and Capacity Analysis of Loading Facilities for Specialised Retail and Hotel Use	Lyle Marshall & Partners Pty Ltd	April 2023
Rev 5	Flood Study Report	Kozarovski and Partners	20 April 2023
	Flood Risk Management Report for proposed temporary loading dock	Kozarovski and Partners	17 August 2023
	WSUD Modelling	Kozarovski and Partners	17 August 2023
Report No.: 05/22 Rev B	Traffic and Parking Impact Assessment Report	Lyle Marshall & Partners Pty Ltd	August 2023
	Arboricultural Impact Assessment and Tree Management Plan	Horticultural Management Services	15 March 2022
	Waste Management Plan – Stage 1	Leigh Design Pty Ltd	2 March 2022
	Demolition and Construction Waste Management Plan		3 August 2023
Project No. SES_617	Remedial Action Plan	Sullivan Environmental Services	1 March 2022
Correspondences and the conditions therein			
SYD22/01240/06		Transport for NSW	1 September 2023
202688, 186128		Sydney Water	26 October 2022
TRIM 2017/14/27		Ausgrid	

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

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

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

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

10. 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 Sullivan Environmental Sciences Pty Ltd (Project No. SES_617) dated 1 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)

11. DAGCZ01 – Transport for NSW Conditions

- a) The redundant driveway on the Parramatta Road boundary shall be removed and replaced with kerb

and gutter to match existing. The design and construction of the kerb and gutter on Parramatta Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- b) The applicant should undertake the works to upgrade the signalised intersection of Parramatta Road/ Hampstead Road/Newton Street as a result of the proposed development as outlined below:
 - i. Extend the right turn bay length on Parramatta Road western approach from 140m to 190m;
 - ii. The development will increase the level of pedestrian activity in this location. TfNSW requests the applicant to upgrade the kerb ramps at the intersection on both Hampstead Road and Parramatta Road to align with the pedestrian crossings and to meet the current Austroads standards. Note that these works may require upgrade/changes to signal infrastructure and/or utilities to meet current signal design standards. All costs associated with these changes are to be at no cost to TfNSW or Council.

- c) The proposed works on Parramatta Road and modifications to the Traffic Control Signal/s at the intersection of Parramatta Road/ Hampstead Road/Newton Street shall be designed to meet TfNSW requirements. The civil and Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to obtain Agreement in Principle (AIP) from TfNSW and enter into a Works Authorisation Deed (WAD) for the abovementioned works.

- d) The proposed eastern driveway on Hampstead Road is located close to the Parramatta Road and signalised intersection. The driveway access should be restricted to left in/left out movement to mitigate potential queuing and impact to the intersection and state road network. The existing central median on Hampstead Road should be extended minimum 10m past the proposed driveway to ensure this requirement is met.
- e) 'No Stopping' signage should be implemented for the whole site frontage on Hampstead Road as identified/proposed in the submitted documents to increase through/left lane capacity on Hampstead Road approach to the signalised intersection.
- f) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- g) Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please

send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- h) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Parramatta Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- i) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- j) All demolition and construction vehicles are to be contained within the site and all vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
- k) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

(Reason: Conditions required by TfNSW)

12. DAGCZ02 – Surface Runoff

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

(Reason: to prevent adverse impact on adjoining properties.)

13. DAGCZ03 – 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.)

14. DAGCZ04 – 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)

15. DAGCZ05 – Bond Positive Covenant

The applicant shall lodge with Council a **\$7360.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system/ Compensatory Flood Storage/ Overland Flowpath. 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)

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

16. DAPDB02 - Demolition - General

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

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;

- The licence number of the demolisher;
- Relevant SafeWork licences, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- Demolition work is to be carried out in accordance with AS 2601-2001.
- Demolition works are restricted as follows:
- Monday to Friday inclusive - 7:00am - 5:00pm
- Saturdays 7:00am - 5:00pm
- Sundays and Public Holidays - No demolition work

Where the development involves the use of jackhammers / rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00am and 6.00pm Monday to Friday, excluding public holidays.

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

- The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of the SafeWork NSW Hotline.
- Demolition work must not commence until Council has inspected the site and is satisfied that all pre-demolition conditions have been satisfied.
- Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

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

17. DAPDB03 - Demolition - Asbestos

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

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

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

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

All demolition and site works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Class A Licence for friable asbestos removal where applicable or a Class B Licence for non-friable (bonded) asbestos removal. No asbestos products are to be re-used on site and asbestos laden skips/bins must not be left in any public place.

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

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

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

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

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

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

18. DAPDB07 - Site Safety Fencing - Demolition Only

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

(Reason: Public safety)

19. DAPDB08 - Demolition Inspections

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

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

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

20. 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)

21. 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)

22. DAPDB12 - Sediment and Erosion Control Measures

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

- a) A dish shaped diversion drain, or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.
- i) Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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

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

23. 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)

24. 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)

25. 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)

26. DACCB01 - Damage Deposit for Council Infrastructure

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

(Reason: To protect Council infrastructure)

27. 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)

28. DACCB04 - Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020 is to be paid to Council. The amount of contribution is calculated at **\$599,169.00**. 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)

29. DACCB05 - Fees to be Paid to Council

Types of fees	Amount	Payment timing
Sect. 7.12 Contributions	\$599,169.00+ CPI	Prior to issue of CC
Demolition Inspections	\$686.00	Prior to issue of CC
Damage Deposit	\$6,860.00	Prior to issue of CC
Construction Traffic Management Plan	\$374.00	Prior to issue of CC
Stormwater Bond (Positive Covenant)	\$7,360.00	Prior to issue of CC
TOTAL	\$614,449.00 + 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)

30. 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)

31. 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: Maintain public assets)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent to 276 to 280 Parramatta Road, Auburn and 60-68 Hampstead Road, Auburn including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

- a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- b) Approved in writing by Council under Section 138 of the *Roads Act 1993*, prior to the issue of the Construction Certificate, and
- c) All Civil Engineering works adjacent/near/outside 276 to 280 Parramatta Road, Auburn and 60-68 Hampstead Road, Auburn 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)

33. 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)

34. 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)

35. DACCZ01 - Connection to Council's Stormwater System – Design

Detail design for the proposed connection/modification to existing Council's stormwater pipe/culvert 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 connection details within the easement, 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.

c) Details of the existing and proposed pipes and pits shall be clearly annotated on the plans.

Note: The documents shall be submitted as part of a separate application.

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

36. DACCZ02 - Stormwater Plans

Stormwater runoff generated from the development shall be collected and discharged by gravity means to Council's system. In this regard:

- a) Stormwater plans shall be prepared by suitably qualified professional engineer in accordance with the approved stormwater plans referenced in the consent.
- b) Backflow prevention measures shall be incorporated in the design.
- c) The proposed water quality treatment and MUSIC model output shall be incorporated in the stormwater design.
- d) Details of the Water Sensitive Urban Design (WSUD) shall be incorporated in the stormwater design.
- e) MUSIC model output report shall be submitted.
- f) Adequate maintenance openings and cross ventilation shall be provided in the flood storage design.

The stormwater plans addressing the above matters Cumberland Council's Executive Manager Development and Building.

(Reason: to ensure stormwater plans are prepared and the outstanding matters area addressed.)

37. DACCZ03 - Updated Flood Study Report

The Flood Study Report dated 20 April 2023 prepared by prepared by Kozarovski and Partners shall be updated to address the following:

- a) Flood study plans shall be updated to incorporate temporary loading area.
- b) Floor level freeboard recommendation shall be updated to ensure minimum 500mm freeboard is provided for the building floor areas.
- c) 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.

The updated Flood Study Report shall be submitted to and approved by Cumberland Council's Executive Manager Development and Building.

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

38. DACCZ04 - Street Signs Design Approval

Detailed plan showing the proposed street sign/device modifications along Hampstead Road shall be prepared in consultation with Council's Traffic Section. The modification shall be submitted to Cumberland Traffic Committee (CTC) for consideration and approval. The CTC approval shall be submitted to Registered Certifier for approval.

(Reason: to ensure approval is obtained for the proposed sign/device modifications.)

39. DACCZ05 - Special Footings

Special footings shall be provided where the proposed structure is adjacent to drainage easement. Development shall not impose any load on the existing Council stormwater structure. The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser. The footings shall be located clear of the easement and designed by a practising structural engineer. Structural engineers certification and design shall be submitted to and approved by Cumberland Council's Executive Manager Development and Building.

The above details are to be submitted to and approved by Registered Certifier.

(Reason- to ensure stormwater structure and the easement are not affected by the proposed works.)

40. DACCZ06 - Hydraulic Engineer's Design Certification

Written verification from suitably qualified hydraulic engineer shall be obtained, stating the following:

- a) Construction certificate plans comply with the flood study report approved as part of condition 7 above and Flood Risk Management Report dated 17 August 2023 prepared by Kozarovski and Partners.
- b) Flood study drawing shall be updated to incorporate temporary loading area.

- c) The new building floor levels are 500mm above the 1% AEP flood levels. Any valuable goods or machineries that may be impacted by flooding must be stored at a minimum level of RL9.28m AHD (300mm above 1% AEP flood levels).
- d) The development has no adverse impact on flood levels and/or adjoining properties.

Electronic copy of the modelling shall be submitted.

The above written verification and the copy of the modellings shall be submitted to and approved by Principal Certifying Authority

Electronic copy of the flood modelling and written verification shall be submitted to Council for record purpose.

(Reason: to ensure construction plans comply with the approved flood risk management report.)

41. DACCZ07 - Flood Risk Management

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

- a) Flood study plans shall be updated to incorporate temporary loading area.
- b) 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.
- c) Supporting documents shall be submitted to and approved by Registered Certifier.

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

42. DACCZ08 - Flood Risk Management – Temporary Loading Dock

Subject development shall comply with Flood Risk Management Report for proposed Temporary Loading dock (FRMRTL) dated 17 August 2023 prepared by Kozarovski and Partners. In this regard:

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

The above documents shall be submitted to and approved by Registered Certifier.

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

43. DACCZ09 - Loading Dock Management Plan

Updated Loading Dock Management Plan addressing following shall be submitted to and approved by Cumberland Council's Executive Manager Development and Building.

- a) Heavy Rigid Vehicle manoeuvring shall be clear of the adjoining loading area.
- b) Record of the Loading Dock Management Schedules shall be maintained within the site.
- c) Appropriate safety measures shall be incorporated to improve the safety during the use of proposed coach/bus within the loading area.
- d) A suitably qualified traffic controller shall be engaged during the operation of the Temporary Loading Dock.
- e) Loading Dock Management Plan shall be implemented during the operation of Temporary Loading area.

(Reason: to improve the safety and to minimise the impact on street traffic.)

44. DACCZ10 - Detail Design over Council's Easement/Culvert

The detail design for the proposed work over the easement/culvert and the flood storage in the vicinity of the easement/culvert shall be submitted to and approved by Cumberland Council's Executive Manager Development and Building.

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

45. DACCZ11 - Stormwater Disposal

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

- a) The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of the 'Stormwater plans' condition of this consent.
- b) The design and construction details of the stormwater system demonstrating compliance with the development consent, and Council's DCP shall be submitted to and approved by Registered

Certifier. The following shall also be addressed:

- i. Proposed water quality treatment and MUSIC model output shall be incorporated in the stormwater design.
- ii. MUSIC model output report shall be submitted.
- iii. Adequate maintenance openings and cross ventilation shall be provided in the flood storage design.

(Reason: to prevent localised flooding)

46. DACCZ12 - 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.)

47. DACCZ13 - Parking Layout

Parking layout 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 Council or registered certifier.

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

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

48. DACCZ14 - Minimum Headroom – Adaptable Parking Spaces

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

Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: to ensure headroom complies with AS2890.)

49. DACCZ15 - Ramp Gradients

Circulation ramp grades and transitions shall comply with section 2.5.3 of the Australian Standards AS2890.1:2004. In this regard detail longitudinal section along ramp to a scale, shall be submitted to and approved by the Council or registered certifier.

Copy of the approved plan shall be submitted to Council.

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

50. DACCZ16 - Headroom Clearance

Headroom clearance 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.

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

51. DACCZ17 - Public Drainage Infrastructure – Post Construction Dilapidation Report (CCTV)

A CCTV verification shall be submitted to Council upon completion of the construction works to ensure that Council's assets are not affected by the development. The CCTV footage shall extend 10m upstream and downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A CCTV pre-construction and post-construction inspection report illustrating the chainage/distance from the origin and the observed asset condition at critical locations must be prepared and submitted to the Council alongside the CCTV footage. Any observed or likely damages shall be rectified at full cost to the applicant to the satisfaction of Cumberland Council's Executive Manager Development and Building, prior to the issue of any occupation certificate.

(Reason: Protection of Council assets)

52. DACCD01 - Fire Safety Upgrade - Change of building use (cl. 62 of the Regulation)

In accordance with Part 4 - Division 1, Clause 62(2)(a) and (b) of the *Environmental Planning and Assessment Regulation 2021*, the existing building must be brought into conformity with the National Construction Code (NCC).

The Construction Certificate plans and specifications submitted to Council or the Registered Certifier must detail building upgrade works required for the approved use.

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

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

53. DACCCE02 - 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)

54. DACCCE03 - Construction Traffic Management Plan (CTMP)

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

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

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.

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

(Reason: Traffic safety and amenity during construction phase)

55. 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)

56. 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)

57. DACCF09 - Sight Distance

To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width of 350mm and a minimum spacing of 1.2m.

(Reason: Safety)

58. DACCG01 - Available Visitor Car Parking Signage

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

(Reason: Adequate access and egress)

59. DACCG02 - Bicycle Storage Provision

Provision for bicycles parking / storage shall be in accordance with the provisions of the Cumberland Development Control Plan. Details shall be submitted with the Construction Certificate application.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Cumberland DCP)

60. DACCG05 - Off Street Car Parking - General

A minimum of 261 off-street car parking spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

61. DACCG09 - Speed Hump and Stop Sign on Exit

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from

the boundary alignment. The devices shall be designed and constructed in accordance with the provision of Australian/New Zealand Standards AS/NZS 2890/1:2004. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management)

62. DACCI03- Substation /Fire Hydrant Boosters

No approval is granted or implied for any encasing structures (i.e., blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

(Reason: Streetscape amenity)

63. 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)

64. 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)

65. 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)

66. 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)

67. 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)

68. 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)

69. DACCK03 - Structural Adequacy of Existing Structure

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

(Reason: Structural safety)

70. 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)

71. 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)

72. 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)

73. 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)

74. 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)

75. 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 Renzo Tonin & Associates Pty Ltd dated 7 March 2022 reference TM380-01D02 Acoustic Assessment for DA (r2).

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)

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

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

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

A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms; site collection approach including any required waste/recycling collection bays must be submitted to the Principal Certifier prior to the issue of the Construction Certificate, in accordance with the approved Waste Management Plan (as amended to reflect the endorsed plans).

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

77. DACCM01 - Food Premises - Detailed Plans

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be

submitted to and approved by Council or Registered Certifier as being compliant with the required standards prior to the issue of the Construction Certificate.

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

78. DACCM02 - Food Premises - Waste Storage Area

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

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

79. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

80. DACCM08 - Mechanical Ventilation - Certification of Secondary Filtration/Odour Control System

A Professional Engineer (as defined in Volume One of the National Construction Code) must:

- a) Prior to the issue of a Construction Certificate:
- Specify filtration and odour control systems as part of the proposed mechanical ventilation design and drawings (including specifications of the proposed mechanical kitchen exhaust ventilation system) to ensure that exhaust air can be discharged to the atmosphere in accordance with AS1668.2 - *The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, and will not cause a danger or a nuisance to occupants within the building, occupants of neighbouring buildings or members of the public; and
 - Certify the design in accordance with the Building Code of Australia and AS1668 - *The Use of Mechanical Ventilation and Air Conditioning in Buildings*; and
- b) Prior to the issue of an Occupation Certificate:
- Inspect the mechanical ventilation and filtration/odour control systems and certify that the system/s have been installed to the approved design.

(Reason: To prevent air pollution)

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

81. 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)

82. DAPCZ01 - Building Design to Provide Adequate Clearance to Existing Council's Stormwater Pipe

A clearance letter from Cumberland Council's Executive Manager Development and Building. with respect to the required set back to the existing Council's stormwater pipe shall be obtained. In this regard:

- a) Existing Council's stormwater pipe next to the proposed development shall be exposed. Arrangement shall be made with Cumberland Council's Executive Manager Development and Building for inspection prior to covering the pipe.
- b) Accurate pipe/culvert location and proposed building set back from the existing Council's stormwater pipe shall be marked on the plan.
- c) Proposed building shall be clear of the easement and minimum 300mm from the outer edge of the existing Council's stormwater pipe/ culvert.

Note: If minimum 300mm set back is not available for the approved building then proposed building shall be relocated to provide minimum 300mm from the existing Council's stormwater pipe.

(Reason: to ensure building is clear of the easement and minimum 300mm clearance to exiting Council's stormwater pipe is provided)

83. DAPCZ02 - Drainage Construction – Modification to Council's Drainage System

Modification 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.)

84. 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)

85. 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)

86. 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)

87. 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)

88. 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)

89. 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)

Conditions which must be satisfied during any development work

90. 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)

91. DADWA17 - Notification of New Contamination Evidence

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

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

92. 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)

93. DADWA04 - Acid Sulphate Soils

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

(Reason: Environmental protection)

94. DADWA05 - Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved

Construction Management Plan.

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

(Reason: Compliance with condition of consent)

95. 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)

96. 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.)

97. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

98. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

99. 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)

100. 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)

101. 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)

102. 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)

103. 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)

104. 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)

105. 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)

106. 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)

107. DADWC03 - Progress Survey - Major Development (greater than two stories)

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the 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 reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

108. DADWC07 - Switchboards/Service Panels

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

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

109. DADWC08 - Anti-Graffiti Coatings

The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the

application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti)

110. DADWC10 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

111. DADWC12 - Food Premises - Design, Construction and Fitout of Food Premises

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

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service website. Copies of the Food Standards Code (Australia) may be obtained by website.

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

112. DADWC13 - Lighting

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

(Reason: Protect amenity of surrounding area)

113. DADWC14 - Liquid Trade Waste

The food premises must comply with the following standards:

- a) If a grease trap is required to be installed, then it must be installed in accordance with Sydney Water trade waste requirements by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must not be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems.

(Reason: To ensure that liquid trade waste is suitably disposed of and does not affect the environment or food safety)

114. 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)

115. DADWC16 - Waste Management

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

(Reason: Compliance with approval)

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

116. 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)

117. DAOCB05 - Site 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 Remediation Action Plan prepared by Sullivan Environmental Sciences Pty Ltd (Project No. SES_617) dated 1 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 55 - Remediation of Land)

118. DAOCZ02 - Covenant & Restriction as to User for Use of Temporary Loading Area

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 to ensure the following:

- a) The approved loading dock management plan is implemented.
- b) Tenants and owners of the development are aware of the restrictions and risk associated with the temporary Loading area and interruption to the use of the loading area during the flooding.

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

The wording of the restriction shall be submitted to and approved by Cumberland Council's Executive Manager Building and Design prior to lodge with the NSW Land Registry Services.

(Reason: to ensure Loading Dock Management plans is implemented and owners and tenants of the development are aware of the Restrictions and risks associated with the use of the loading area.)

119. DAOCZ03 - 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 flood 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.)

120. DAOCZ04 - Maintenance Schedule – Flood Storage and Flood Alarm

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed flood storage and flood alarm system 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 flood storage is in good working order.)

121. DAOCZ05 - Flood Evacuation Plan

Flood evacuation plan shall be prepared by suitably qualified person.

The documents showing the compliance of above shall be submitted to and approved by Registered Certifier.

Flood evacuation plan shall be in force at all times.

(Reason: to ensure safety)

122. DAOCZ06 - Street Signs Installation Works

The relocation of street signs shall be completed as approved by Cumberland Traffic Committee at no cost to Council.

(Reason: to ensure signs are installed as per Council's requirements.)

123. DAOCZ07 - Connection to Council's Stormwater Pipe

Registered Certifier shall ensure a clearance letter from Cumberland Council's Executive Manager Development and Building has been obtained for the stormwater connection and modification works to Council's drainage system.

(Reason: to ensure that modification and connection to Council's stormwater pipe system is carried out in accordance with Council's requirements.)

124. DAOCZ08 - Hydraulic Engineer's Flood Certification

Written verification from suitably qualified hydraulic engineer shall be obtained, stating the following:

- a) Development complies with the endorsed flood study report and Flood Risk Management Report dated 17 August 2023 prepared by Kozarovski and Partners.
- b) Building Floor levels are 500mm above the 1% AEP flood levels.
- c) Flood storage has been provided as per the Flood Risk Management Report dated 17 August 2023 prepared by Kozarovski and Partners.
- d) Loading dock has been constructed as per Flood Risk Management Report for proposed Temporary Loading dock dated 17 August 2023 prepared by Kozarovski and Partners. Any valuable goods or machineries that may be impacted by flooding must be stored at a minimum level of RL9.28m AHD (300mm above 1% AEP flood levels).
- e) The development has no adverse impact on flood levels and/or adjoining properties.

The written verification shall be submitted to and approved by Registered Certifier.

The copy of the written verification shall be submitted to Council for record purpose.

(Reason: to ensure construction comply with the comply with the approved flood risk management report.)

125. DAOCZ09 - Covenant & Restriction as to User for Flood Risk Management for Temporary Loading Dock

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 Flood Risk Management for temporary loading dock inclusive of, together with any related compensatory flood storage, overland flowpath, pollution control device.

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

The wording of the restriction shall be submitted to and approved by Cumberland Council's Executive Manager Building and Design prior to lodge with the NSW Land Registry Services.

(Reason: Compliance and adequate maintenance of Flood Risk management for Temporary

Loading Dock.)

126. 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)

127. 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).

128. 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)

129. DAOCA07 - Notification of Food Business

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

(Reason: Registration and notification to relevant authorities)

130. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the principal certifier:

- a) A Certificate from a professional engineer with Engineers Australia membership, The abovementioned certificate is to certify that:

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

- b) "Work - As - Executed" drawings of the engineering works prepared by a registered surveyor or equivalent.

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)

131. DAOCA09 - Boundary Fencing Flood Affected Areas

As the site is a flood affected, all boundary fencing within the 1% Annual Exceedance Probability

(AEP) storm event affected area must be constructed in accordance with Council's standard detail SD8025 in accordance with Council's Development Control Plan and relevant policies. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% AEP flood. The fencing shall be constructed in consultation with adjoining affected property owner(s) at full cost to the developer. Photographic evidence of the construction of the fence in accordance with this requirement shall be provided to Council for approval prior to the issue of any Occupation Certificate.

(Reason: Safety and security)

132. 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)

133. 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)

134. DAOCA12 - Construction of Concrete Footpath

A concrete footpath adjacent to the front and side of the property. 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)

135. 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)

136. 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 Renzo Tonin & Associates Pty Ltd dated 7 March 2022 reference TM380-01D02 Acoustic Assessment for DA (r2) 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)

137. DAOCD01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, 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)

138. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To comply with Council's requirements.

139. 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 together with any related compensatory flood storage, overland flowpath, pollution control device. 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)

140. DAOCH04 - Evidence of Consolidation

The existing allotments 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 of Stage 2 DA.

(Reason: Information)

141. DAOCH13 - Australia Post Guidelines

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

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

142. DAOUA06 - Trading Outside the Building

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

(Reason: Safety and amenity)

143. DAOUZ01 - Annual Maintenance Inspection of Flood Storage and Flood Alarm

Annual maintenance inspection summary of the flood storage and flood alarm system 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 flood storage is in good working order.)

144. 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)

145. DAOUA10 - Removal of Litter and Graffiti

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

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

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

146. DAOUA11 - Flashing Lights

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

(Reason: Environmental protection)

147. DAOUA14 - Hours of Business Operation

The hours of operation are restricted to between:

Hotel	24 hours, 7 days a week
Hotel Restaurant & Function Rooms	6am to 1am Monday to Sunday (inclusive)
Specialised Retail Premises	7am to 7pm Monday, Tuesday, Wednesday, Friday 7am to 10pm Thursday 9am to 8pm Saturday & Sunday

(Reason: Ensure business operates between approved hours)

148. 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)

149. 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)

150. DAOUA26 - Plan of Management

The use shall be operated and managed in accordance with the approved Plan of Management. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

151. DAOUZ02 - Limit of the Delivery Trucks

Largest vehicles making deliveries to the premises shall be limited Heavy rigid vehicle (HRV) that is defined in Australian standard AS2890.2.

(Reason: to prevent adverse impact on street traffic.)

152. DAOUA33 - Use of the Buildings/Structures

The buildings/structures subject to this Development Consent shall not be used unless all conditions of this consent have been met.

(Reason: To ensure the Development complies with the applicable statutory and planning controls.)

153. DAOUB01 - Annual Fire Safety Statement

An Annual Fire Safety Statement Pursuant to Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 shall be issued by or on behalf of the owner of a building to the effect that-

- a) each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing for an essential fire safety measure specified in the fire safety schedule-to a standard no less than that specified in the schedule, and
- b) the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

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

- (a) Forwarded to the Commissioner - Fire and Rescue New South Wales; and
- (b) Prominently displayed in the building.

(Reason: Fire safety)

154. 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)

155. 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)

156. DAOUE03 - Parking

At least 261 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

157. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

Advisory Notes

158. 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.



159. 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.

160. 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.

161. 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.

162. 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.

163. 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.

164. DAANN13 - Work Health and Safety

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

165. 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)

166. 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)

167. 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)

168. DAANN22 - Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

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

(Reason: Information)

