

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2022/0722.
Applicant:	Merrylands (A) 88 Development Pty Ltd 8 Gould Street STRATHFIELD SOUTH NSW 2136
Property Description:	4 - 4A Terminal Place Merrylands. Lot 2 DP 1217412.
Development:	Construction of a 21-storey mixed use development on "Site 1" comprising 4 commercial tenancies and 236 apartments over 5 levels of basement parking - Integrated Development S90(2) Water Management Act 2000.
Determined by:	Sydney Central City Planning Panel.

CONDITIONS OF CONSENT

General Conditions.

1. **DAGCA01- General**

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

(Reason: Advisory)

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

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
DA-A-00-0000 Revision E	Cover Sheet and Drawing List	PTW	2/2/2024
DA-A-00-0004 Revision D	Development Data Sheet	PTW	2/2/2024
DA-A-10-0090 Revision C	Basement 05 Plan (Including the change in red)	PTW	2/2/2024
DA-A-10-0100 Revision C	Basement 04 Plan (Including the change in red)	PTW	2/2/2024
DA-A-10-0200 Revision C	Basement 03 Plan (Including the change in red)	PTW	2/2/2024
DA-A-10-0300 Revision C	Basement 02 Plan (Including the change in red)	PTW	2/2/2024
DA-A-10-0400 Revision C	Basement 01 Plan (Including the changes in red)	PTW	2/2/2024
DA-A-10-0500 Revision C	Ground Floor L00 Plan	PTW	11/10/2023
DA-A-10-0600 Revision B	Level 01 Plan	PTW	12/7/2023

DA-A-10-0700 Revision B	Level 02-03 Plan	PTW	12/7/2023
DA-A-10-0800 Revision B	Level 04-19 Plan	PTW	12/7/2023
DA-A-10-0900 Revision B	Level 20 Plan	PTW	12/7/2023
DA-A-10-1000 Revision B	Roof Plan	PTW	12/7/2023
DA-A-20-0100 Revision B	Neil Street North East Site Elevation	PTW	12/7/2023
DA-A-20-0200 Revision B	Rail Corridor South East Site Elevation	PTW	12/7/2023
DA-A-20-0300 Revision B	South west and North east Elevation	PTW	12/7/2023
DA-A-20-0400 Revision B	Mc Leod Road West Elevation	PTW	12/7/2023
DA-A-30-0100 Revision B	Section 1	PTW	12/7/2023
DA-A-30-0200 Revision B	Section 2	PTW	12/7/2023
DA-A-50-0200 Revision B	Adaptable Apartments Sheet 1	PTW	12/7/2023
DA-A-50-0300 Revision B	Fence Typical Detail	PTW	12/7/2023
DA-A-70-0201 Revision B	External Material and Finishes building A Sheet 2	PTW	12/7/2023
DA-A-70-0202 Revision A	External Material and Finishes building A Sheet 3	PTW	12/7/2023
DA-A-70-0203 Revision A	External Material and Finishes building A Sheet 4	PTW	12/7/2023
22-1031-DAC000 Issue D	Cover Sheet, Locality Plan and Drawing List	AT and L	12/2/2024
22-1031-DAC001 Issue D	General Notes and Legends	AT and L	12/2/2024
22-1031-DAC002 Issue D	General Arrangement Plan	AT and L	12/2/2024
22-1031-DAC003 Issue D	Typical Sections Sheet 1 (Including the change in red)	AT and L	12/2/2024
22-1031-DAC004 Issue D	Typical Sections Sheet 2	AT and L	12/2/2024
22-1031-DAC010 Issue D	Siteworks and Stormwater Drainage Plan	AT and L	12/2/2024
22-1031-DAC021 Issue D	Siteworks Details Sheet 1	AT and L	12/2/2024
22-1031-DAC022 Issue D	Siteworks Details Sheet 2	AT and L	12/2/2024
22-1031-DAC023 Issue D	Siteworks Details Sheet 3	AT and L	12/2/2024
22-1031-DAC025 Issue D	Stormwater Drainage Details	AT and L	12/2/2024
22-1031-DAC051 Issue D	Stormwater Drainage OSD Catchment Plan	AT and L	12/2/2024
22-1031-DAC052 Issue D	Stormwater Drainage Music Catchment Plan	AT and L	12/2/2024

22-1031-DAC053 Issue D	Stormwater Drainage OSD Roof Plan (Including the change in red)	AT and L	12/2/2024
22-1031-DAC054 Issue D	Stormwater Drainage OSD Base Plan (Including the change in red)	AT and L	12/2/2024
22-1031-DAC055 Issue D	Stormwater Drainage OSD Section and Details Sheet 1 (Including the change in red)	AT and L	12/2/2024
22-1031-DAC056 Issue D	Stormwater Drainage OSD Section and Details Sheet 2 (Including the change in red)	AT and L	12/2/2024
22-1031-DAC057 Issue D	Stormwater Drainage Basement 05 Plan (Including the change in red)	AT and L	12/2/2024
22-1031-DAC058 Issue D	Stormwater Drainage Level 01 Plan	AT and L	12/2/2024
22-1031-DAC059 Issue D	Stormwater Drainage Roof Plan	AT and L	12/2/2024
22-1031-DAC071 Issue D	Erosion and Sediment Control Plan	AT and L	12/2/2024
22-1031-DAC072 Issue D	Erosion and Sediment Control Details	AT and L	12/2/2024
Drawing Number 2022035 LD-DA-000 Revision 2	Cover Sheet and Design Statement	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-001 Revision 2	Planting Schedule and Legends	Landform Studios	28/6/2023
Drawing Number 2022035 LD-DA-0012 Revision 2	Tree Management Plan	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-100 Revision 2	Landscape General Arrangement Plan	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-101 Revision 2	Site A Landscape Plan	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-110 Revision 2	Building A - Level 1 Communal Open Space	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-120 Revision 1	Building A-Rooftops COS	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-130 Revision 2	Building A Non Trafficable Rooftop	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-400 Revision 2	Site Sections 1	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-401 Revision 1	Site Sections 2	Landform Studios	6/7/2023
Drawing Number 2022035 LD-DA-900 Revision 2	Typical Details and Outline Specification	Landform Studios	28/6/2023

Certificate Number 1346672M-03	BASIX Certificate	SLR Consulting Pty Ltd	Tuesday 4 July 2023
No 019QWN9D1N	NatHERS Certificate	SLR Consulting Australia Ltd	Tuesday 4 July 2023
	Landscape DA Design Report (Page 1 to 39)	Landform Studios	30/6/2023
STD2022-1083-R001D	Acoustic DA Assessment	Acouras Consultancy	19/7/2023
	Arboricultural Impact Assessment	Bluegum	November 2022
Reference Number 345A/AMS01/01GS Issue A	Access and Adaptability Assessment Report	Access Mobility Solutions	17 November 2022
Reference 610.31049-R01 V1.0	NCC Section J Assessment - Deemed to Satisfy.	SLR	30 June November 2023
	Remediation Action Plan	Environmental Consulting Services Pty Ltd	20/1/2023
Report No NE1455-Rev00	Geotechnical Site Investigation Report	Geotesta	31/10/2022
Report No NE1455-Rev01	Geotechnical and Hydrological Monitoring Program	Geotesta	2/8/2023
Reference 610.30747-R04 V1.0	Qualitative Environmental Wind Assessment	SLR	16 November 2022
Reference No 116408-BCA-Site 1-r2	BCA Assessment Report	BCA Logic	15.11.2022
Reference 610.30747-R04-R06	Reflectivity Assessment	SLR	16 November 2022
Report No 4173 Revision D	Operational Waste Management Plan	Elephants Foot Consulting	14/12/2022
Ref MYP 226772	Letter of Offer to Enter into a Planning Agreement	Bartier Perry	25 January 2024

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

3. **DAGCA03 - General Terms of Approval Water New South Wales**

Dewatering

GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must:

1. Apply to Water NSW for, and obtain an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
2. Notify Water NSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to

extracting more than 3ML per water year of water as part of the construction dewatering activity.

Advisory Notes:

1. This approval is not a water access licence.
2. A water year commences on 1 July each year.
3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to Water NSW.
4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:

- (a) record water taken for which the exemption is claimed, and
 - (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on Water NSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to Water NSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
- (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
 - (ii) (ii) if Water NSW directs the person in writing to give the record to Water NSW on an earlier date, by that date.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0121-00001 Construction phase monitoring bore requirements GTA:

- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by Water NSW.
- b) The location and number of proposed monitoring bores must be submitted for approval, to Water NSW with the water supply work application.
- c) The monitoring bores must be installed and maintained as required by the water supply work approval.
- d) The monitoring bores must be protected from construction damage.

GT0122-00001 Construction Phase Monitoring programme and content:

a) A monitoring programme must be submitted, for approval, to Water NSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by Water NSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by Water NSW):

- i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to Water NSW.
- ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
- iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by Water NSW;
- iv. Include details of quality assurance and control.
- v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories
- vi. The applicant must comply with the monitoring programme as approved by Water NSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to Water NSW.

(b) The completion report must, unless agreed otherwise in writing by Water NSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by Water NSW):

- 1) All results from the Approved Monitoring Programme; and
- 2) Any other information required on the Water NSW completion report form as updated from time to time on the Water NSW website.

c) The completion report must be submitted using "Completion Report for Dewatering work form" located on Water NSW website www.waternsw.com.au/customer-service/waterlicensing/ dewatering.

GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to Water NSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following:

- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation.
- Survey plan showing ground surface elevation across the site.
- Architectural drawings showing basement dimensions.
- Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))
- Laboratory test results for soil sampling testing for ASS.
- If ASS, details of proposed management and treatment of soil and groundwater.

Testing and management should align with the NSW Acid Sulphate Soil Manual.

GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by Water NSW (Term of the dewatering approval).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval):

- a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with Water NSW.
- b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
- c. The applicant must submit all results from the Approved Monitoring Programme, to Water NSW, as part of the Completion Report.

(Reason: Statutory compliance)

4. DAGCA11 - No Approval for the Use of the Commercial tenancies and no approval for any works outside Site 1

The development consent does not provide the following:

- a) No approval is given or implied for the use of the four commercial / retail tenancies. Separate development consent is required for the fitout and use of each tenancy.

- b) No approval is given to any of the landscaping or works shown on the plans that are outside the site or site 1. In this regard, this consent only relates to all the works and the development contained wholly within "Site 1".

(Reason: Information and to ensure no works occur outside the site known as "Site 1")

5. DAGCB04 - Street Numbering of Lots and Units

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council. For developments involving strata subdivision, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of property for emergency services and mail deliveries)

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

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

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

7. 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 Environmental Consulting Services Pty Ltd, dated 20/01/2023 Revision 1. 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 Registered 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)

8. DAGCD04 - Vehicle Washing

- (a) Washing of vehicles must be conducted within the bunded designated vehicle wash bay as indicated on the approved plans as shown on Basement Level 02. This area is to be suitably designed and located to ensure all wastewater is appropriately discharged to the sewer, in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.
- (b) The means of disposal shall comply with:
 - i. EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)
 - ii. EPA's Managing Urban Stormwater: treatment techniques
- (c) The following requirements must be incorporated into the car wash bay design/operation:
 - i. Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
 - ii. Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
 - iii. Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.

Must not under any circumstances allow degreasing, engine washing or mechanical work to be undertaken in the vehicle wash bay, unless explicitly permitted under the trade waste agreement with Sydney Water.

(Reason: To protect the environment)

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

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 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. DAGCZ01 - Conditions from Concurrence authorities

Transport for New South Wales (Sydney Trains)

The following conditions will apply to the approved development as required by Transport for New South Wales (Sydney Trains).

- a) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- b) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- c) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- d) The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- e) Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineer stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.
- f) Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- g) During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- h) Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- i) The Applicant must ensure that all drainage from the development is adequately disposed of

and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

- j) Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- k) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- l) Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- m) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- n) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - I. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - II. acts as the authorised representative of the Applicant; and
 - III. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- o) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- p) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on West_Interface@transport.nsw.gov.au.

Transport for New South Wales

The proponent shall liaise with Transport for New South Wales for any proposed new traffic signals and or modifications to existing traffic signals and obtain consent from Transport for New South Wales under Section 87 of the Roads Act 1993.

Sydney Water Corporation

Section 73 Compliance Certificate

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time.

This can also impact on other services and buildings, driveways or landscape designs. Applications

must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

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

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

Tree Planting

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

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

Trade Wastewater Requirements

- d) If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

- e) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted

source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Cumberland Police Area Command

The following conditions will apply to the approved development as required by the Cumberland Police Area Command.

- a) Cameras shall be installed both within the around the business to maximize surveillance opportunities. The cameras should monitor the main areas, both inside and outside the premises, especially areas with poor natural supervision and all levels of the basement car park.

TV monitors should enable staff to monitor activities on the camera.

It is strongly recommended that CCTV be installed within the building and surrounding grounds of the development. This should be recordable and capable of being saved for between 14 to 30 days depending on the size of recordable hard drive.

Details of the system shall be identified on the construction certificate plans for approval by Council or the Registered Certifier.

- b) Install security lighting in and around the premises, particularly over entry/exit points to create an even distribution of light with no glare, e.g. sensor lighting, floodlighting. Details of the system shall be identified on the construction certificate plans for approval by Council or the Registered Certifier.

NB: Consider installing sensor lighting which is cost effective as it only, activates when movement is detected within the zone.

- c) Signage shall be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted. Details shall be identified on the construction certificate plans for approval by Council or the Registered Certifier.
- d) Signage shall be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only. Details shall be identified on the construction certificate plans for approval by Council or the Registered Certifier.
- e) Signage indicating resident / community only areas shall be provided at entry / exit areas to reduce inadvertent entry to members of the community and to remove plausible excuses. Details shall be identified on the construction certificate plans for approval by Council or the Registered Certifier.
- f) The building shall be provided with appropriate security measures as follows:
 - The main entry/exit points for this development should be fitted with single cylinder

locksets (Australia and New Zealand Standards - Locksets), which comply with the Building Code of Australia.

- The ground floor windows should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
- Windows can also be re-enforced to restrict unauthorized access by applying a shatter resistant film or using laminated glass.

Details shall be identified on the construction certificate plans for approval by Council or the Registered Certifier.

Endeavour Energy

The following conditions will apply to the approved development as required by Endeavour Energy.

- a. All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
- b. The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
- c. Preference is for no activities to occur in easements and any such works must adhere to minimum safety requirements.
- d. No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests. An application for the release of part of the easement for electricity purposes can be made to Endeavour Energy's Property Branch
- e. Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
- f. Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
- g. Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
- h. Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load to Endeavour Energy.
- i. Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
- j. Permission is required to remove service / metering and must be performed by an Accredited Service Provider.

(Reason: To ensure the requirements of the relevant service authorities are complied with.)

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

11. DAPDB09 - Tree Preservation

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

(Reason: Tree Preservation and Protection)

12. DAPDB10 - Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to the Registered Certifier prior to the commencement of any 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 the 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)

13. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any excavation 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 excavation construction and future use/occupation.

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

14. 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)

15. DAPDB13 - Sediment and Erosion Control Plan - Large sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the Landcom's Managing Urban Stormwater: Soils and Construction - Volume 1, commonly known as the 'Blue Book'. All Erosion and sediment control measures at the site shall be in accordance with the erosion and sediment plans drawn by At&L numbered 22 1031-DAC071 and 072 Revision "D" and dated 12/2/2024 and the Bluebook. A copy of the plan must be kept on-site at all times and made available to Council Officers on request.

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

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

16. DACCA01 - Amendments to Approved Plans

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

Amended stormwater plan.

The stormwater plan shall be amended with appropriate remedial measures to addressing and taking into account of the following engineering matters:

- a. The stormwater drainage shall be designed in accordance with the policy, design guidelines, and requirements of Cumberland City Council. In this regard, the stormwater design shall adopt the blockage factor of 50% applied to all kerb inlet pits (not 10% and 30% as outlined in the "Civil Stormwater management Report"). In addition, all pipelines with the size less than 225mm diameter shall be designed to provide a falling gradient of at least 1%.
- b. Layout drawings of the pipelines for the runoff from the roof and the surface runoff from the communal area shall be provided showing how the runoff from the roof and the communal area are collected and directed into the stormwater water quality and flow control system.

Water quality treatment system

- c. In order to maximise the performance of the filtration system, a "high flow bypass chamber (also known as "Diversion chamber") shall be incorporated at the upstream side of the filtration system. All the runoffs/ inflow shall be directed into the High flow bypass chamber (i.e., "Ocean guard" chamber) for "water quality treatment". The initial flow also known as "First flush" which is a flow equivalent to approx. 1:3 month's flow containing high concentration of pollutants shall be directed into the filtration system through the low level outlet (at the bottom of the chamber) and the flow exceeding the initial flow, which contain comparatively diluted pollutant concentration, can be directed into the rainwater tank and/or the OSD system. However, the overflow from the rainwater tank should be directed into the OSD system for flow control.
- d. The stormwater drainage and subsoil drainage plan of the basement shall be provided with layout details and details of the basement pump-out tank. The basement pump outflow shall be directed into the High-flow bypass chamber (diversion chamber) for the water quality treatment.

On-Site Detention (OSD) basin

- e. The OSD storage volume shall be sufficient and consistent with the OSD design for each storm event requirement. For the storage volume calculation, the ceiling /soffit level of the OSD tank must be provided.

Note: Though the primary OSD storage volume may be sufficient the total OSD storage volume provided is not sufficient and inconsistent with the requirements. The storage requirement is noted to be underestimated. Amended OSD design calculation summary sheet must be provided.

- f. In order to provide clear sight and observation of the functioning of the orifices and flow control system grated openings shall be provided above each orifice at an appropriate

location.

- g. Runoff/outflow from the site shall be routed through a sediment trap pit before it is discharged into Council's drainage system. Such sediment traps pits shall have a 200 mm sump below the invert level of the outlet pipe.

Amended architectural plans

- h. The deleted visitor's parking space on basement 01 (earlier denoted as "V1" on the plan) shall be marked as vehicle turning bay.
- i. The curved circulation aisle/ ramp shall comply with the section 2.5.2 (figure 2.9) of AS2890.1 2004 in terms of the radii, Ro, Ri and WL, and the required Lane separator as per figure 2.9 of AS2890.1-2004.
- j. To provide clear sight line and visibility at the tunings/bends and prevent conflict, within the circulation aisle and the ramps traffic convex mirrors shall be installed for clear view of the traffic from the opposite direction. The provisions shall be marked on the plan of ground level and basements.
- k. Long-sectional profile of the driveway and ramp with the sectional length, gradient, existing ground surface and finished surface profile and levels, starting from the road centreline up to the lowest level basement parking area shall be provided. The following shall be complied with.
 - i. Gradient of the ramp/driveway shall not exceed 1:6.5 or 15.4% with rate of change of grade not exceeding 1:16 (6.25%) in 7m length of travel for the MRV's and HRV's.
 - ii. The minimum headroom clearance shall not be less than 3.5m for SRV's and 4.5m for MRV's and HRV's (to facilitate for manoeuvring of rigid vehicles).
 - iii. The long-section profile shall accompany the corresponding layout plan of the ramp with the curve showing the radius of the outer kerb of outer lane and inner kerb of inner lane.
- l. Appropriate measures shall be made to ensure that the line of sight of the manoeuvring vehicles are not obstructed through the bends/ turns along the circulation aisle and ramps. In this regard, traffic convex mirrors and signs shall be provided at appropriate locations for smooth traffic flow within the site.
- m) The ground level western pedestrian terrace walkway abutting the western side of the building shall be sited wholly within the development site (Site 1) and shall not encroach into the RE1 (Public Recreation) zone. To achieve this, the two west facing ground floor shops and the fire booster room shall be sited back an appropriate distance to permit the pedestrian terrace walkway to be constructed wholly within the development site (Site 1) and to have a minimum width of 2 metres.

Further to this, the west facing awning shall also be modified so that the entire structure is situated within the development site being "Site 1" and not encroaching into any land zoned RE1 Public Recreation.
- n) Detailed plans showing how the pedestrian pathways will function along the western curtilage of the building at grade within Site 1 including but not limited to:
 - Vehicle and pedestrian separation along the vehicle access including protection devices / barriers to prevent vehicle / pedestrian conflicts.
 - The need for any suitable pedestrian crossings across the access way including an accessible path connecting the building with the street.
- o) The entries to the residential foyers across the ground floor of the building shall be clearly legible on the plans with the entries being delineated with variations in materials and colours to that used elsewhere across the ground floor area.
- p) The car parking for the residential visitor spaces shall be separated from the car parking for the commercial tenancies on Basement Level 1 by a security boom gate to be appropriately located.

In relation to the above, the car spaces for the retail tenancies shall be relocated towards the northern side of the basement car park Level 1 (26 spaces shall be located at the northern side basement area as marked in red). All the spaces shall be clustered together.

All the remaining car parking spaces on Basement Level 1 shall be allocated to residential visitors with access being restricted via the boom gate and operated by the residents via the intercom.

- q) An additional boom gate shall be added to Basement Level 1 to restrict access to Basement Level 2 for visitor and residents. The boom gate shall be appropriately located at the beginning of the ramp that provides access to Basement Level 2. The boom gate shall be operated by the residents via the intercom.

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

17. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

18. DACCA03 - Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications submitted with the construction certificate application.

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

19. DACCA04 - Works within Boundary

No portion of the works are to encroach beyond the boundaries of the subject property identified as Site 1. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Council or Registered Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

20. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$6,860 calculated in accordance with Council's adopted Fees and Charges shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

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

The Council or Registered Certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

22. DACCB04 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at \$6,846,438.60 A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website.

(Reason: To retain a level of service for the existing population and to provide the same level of service

to the population resulting from new developments)

23. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	\$6,860	Prior to the issue of a CC.
Sect. 7.11 Contributions	\$6,846,438.60 Plus CPI	Prior to the issue of a CC.
Bond registration of positive covenant	\$7,360	Prior to the issue of a CC.
TOTAL	\$6,860,658.60 Plus 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)

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

Prior to demolition commencing and prior issue of a Construction Certificate, the applicant shall submit to Council a full photographic record of the condition of Council's assets (i.e. road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site.

The purpose of the photographic record is to establish any pre-existing damage to Council's assets to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage arose during the course of demolition or construction work, Council may require either part or full re-instatement of its assets.

Failure to provide a full photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

(Reason: Maintain public assets)

25. DACCC02 - Protection of Public Places

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

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

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

The applicant shall submit to the Council three (3) copies and an electronic copy of the Civil Engineering drawings for the design of all works within the road reserve required outside the subject site 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:

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

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

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

27. 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)

28. 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)

29. DACCE02 - Construction Management Plan

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

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

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

30. DACCE03 - Construction Traffic Management Plan (CTMP)

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

experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

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

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

(Reason: Traffic safety and amenity during construction phase)

31. 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)

32. 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)

33. DACCF08 - Tree Planting

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

- Front: 1 tree with mature height of 5m if primary road setback is greater than 3m.
- Rear: 1 tree with mature height of 8m.

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

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m
Shrubs				0.5-0.6m
Turf				0.2m

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

34. 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)

35. DACCG03 - Off Street Car Parking - Multiple Use Buildings

The following car parking and service vehicle requirements apply:

- a) 345 car spaces shall be provided on the development site.

This shall comprise of:

- b) 259 residential spaces;
- c) 59 visitor spaces;
- d) 27 business/commercial/retail premises spaces;

All car spaces shall be allocated and marked according to this requirement.

If the development is to be strata subdivided, the car park layout must reflect the above allocation and be part of the entitlement of that strata lot.

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard/New Zealand Standard AS/NZS 2890.1:2004 and be provided on-site in accordance with the approved plans.

The parking bays shall be delineated by line marking.

Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents or commercial/business/retail premises located within the development. All car spaces for visitor use must be numbered and signposted and continue to be made available for visitor use.

The following traffic control measures shall be implemented on site:

- a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

36. DACCG07 - Maintaining Sight Lines (multi- unit development)

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 2.5m within the site or splayed 2 metre wide by 2.5 metre deep to provide satisfactory sight lines. Details are to be submitted to Council or Registered Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Safety)

37. DACCG08 - Ramp Width Requirements (multi-unit development)

The internal driveway must have a clear width of at least 5.5m for the first 6m inside the property to allow entering and exiting vehicles to pass within the site. The entry and the exit lane shall be separated by continuous lane separation double line mark with the one-way directional arrow on each lane as shown on the approved plan, to prevent the incoming vehicles overrunning into the exit lane and prevent collision. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

(Reason: To maintain safety along the internal driveway.)

38. DACCG11 - Stop Signs

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

(Reason: Adequate access and egress.)

39. DACCI01 - S7.4 Planning Agreement

In accordance with Section 7.7(3) of the *Environmental Planning and Assessment Act 1979*, the offer to enter into a planning agreement dated Thursday 25 January 2024 and considered by Council at its meeting of Wednesday 7 February 2024 in connection with this development application must be executed prior to the issuing of a Construction Certificate.

(Reason: To ensure compliance with the terms of the Section 7.4 Agreement)

40. 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 other than those marked on the endorsed plans identified at Condition 2.

(Reason: Streetscape amenity)

41. 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)

42. 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 the 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.

The stormwater plan shall be in accordance with the stormwater plan prepared by At&L Drawing Number 22-1031-DAC002 - 004, 010, 051-059, 071, and 072, Revision "D" dated 12/2/2024 and shall address the following issues.

- a. The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1%AEP storm event into the On-Site Detention (OSD) system with no gutter overflows.
- b. The access covers over the basement pump-out tank shall be grated, hinged to the frame with child proof safety lock.
- c. The On-site Detention (OSD) system shall be designed taking into account of the whole site area of the development (not just area draining into the OSD system).
- d. The amended OSD design calculation summary sheet shall be prepared using council's standard OSD calculation summary spreadsheet. The OSD design calculation shall be based on correct OSD parameters consistent with catchment (Creek catchment).
- e. The orifice size shall be re-adjusted (downsized) to account for the flow through the filtration system, which does not pass through the flow control orifice.
- f. The proposed return pipe from the OSD primary storage into the filtration system shall be deleted as this will allow the flow to bypass the OSD flow control measure.
- g. The basement pump outflow shall be directed into the "Ocean guard" chamber (High-flow bypass chamber) through the "Ocean guard" filters prior to entering into the treatment system. Direct pumping from basement pump-out tank into the treatment device shall not be carried out.
- h. The sump in front of each orifice (primary and secondary orifice) shall be benched towards the

orifice to prevent stagnant water within the sump.

- i. Amendments in red as shown on the Council's approved plans.

The amended plan shall be submitted to the Registered Certifier for approval together with the application for the construction certificate.

(Reason: Stormwater management.)

43. 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)

44. DACCJ05- Grated Drain across the driveway at the base of ramp

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

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

(Reason: Environmental protection)

45. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Development Control Plan and to the satisfaction of Council or Registered Certifier. Details are to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

46. DACCJ07 - Installation of Temporary Ground Anchor

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

(Reason: Protection of Council assets)

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

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

(Reason: Protection and maintenance of Council assets)

48. 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 Registered 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 Registered 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 Registered Certifier.
- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Registered 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 or Registered 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)

49. 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)

50. DACCK05 - Salinity

As per the Geotechnical Site Investigation Report prepared by Geotesta and dated 31/10/222, the site has been identified as having a slight salinity potential (Pages 12 to 14). To prevent moisture/salinity from entering the built structure, appropriate construction measures are to be incorporated for all buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted with the Construction Certificate application.

(Reason: Ensure appropriate construction methods are used)

51. DACCK06 - Retaining Walls

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

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

52. 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)

53. 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)

54. 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)

55. 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 Acouras Consultancy dated 19/7/2023 Reference SYD2022-1083-R001D Appendix B.

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)

56. 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 or Registered Certifier prior to the issue of the Construction Certificate.

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

57. DACCL10 - Site Audit Statement

Prior to the issue of any Construction Certificate associated with the built form of the development (excluding work directly related to remediation), a Section A Site Audit Statement (SAS) must be obtained from a NSW EPA Accredited Site Auditor.

The SAS must confirm that the site has been remediated in accordance with the approved Remedial

Action Plan and clearly state that the site is suitable for the proposed use.

In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

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

58. 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)

59. DACCZ01 - Incorporation of soil vault system

Prior to the Issuing of a Construction Certificate, the applicant in consultation with a suitably qualified landscape designer/architect are to incorporate Stratacell soil vault system (or a similar system) along the entire length of the McLeod Road frontage where the proposed avenue planting is to occur. This is to ensure that the proposed avenue planting has sufficient soil volume to reach their full growth potential.

The applicant is to also amend the proposed species to one of the below alternate species.

Species
Flindersia Australis - Crows ash
Araucaria columnaris - Cooks pine

(Reason: To ensure the site landscaping thrives)

60. DACCZ02 - Bond for Registration of positive covenant and restriction for OSD and water quality treatment system

The applicant shall lodge with Council a \$7,360.00 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the on-site detention system and water quality treatment system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the land Property Information NSW.

(Reason: To ensure compliance with the requirements.)

61. DACCZ03 - Water sensitive urban design (WSUD) Water quality measures

In accordance with the water quality objective and control under section 2.5 (Table 5) of Cumberland DCP2021 Part G4, appropriate Water quality measures / Water Sensitive Urban Design Measures (Water Quality measures) shall be employed as a part of Site Stormwater Management) to achieve the water quality target set out. A WSUD strategy / measure shall be incorporated into the stormwater management plan. Details shall be submitted to the certifying authority prior to the issue of a Construction Certificate. In addition, the following shall be addressed.

- a. Demonstrate compliance with Council's approved OSD stormwater plans.
- b. The Water quality target as set out in the Table 5 shall be achieved.
- c. The proposed return pipe from the OSD primary storage into the filtration system shall be deleted as this will allow the flow to bypass the OSD flow control measure.
- d. The basement pump outflow shall be directed into the "Ocean guard" chamber (High-flow

bypass chamber) through the "Ocean guard" filters prior to entering into the treatment system. Direct pumping from basement pump-out tank into the treatment device shall not be carried out.

- e. All the runoffs/ inflow shall be directed into the High flow bypass chamber (i.e., Ocean guard chamber) for "water quality treatment". Directing the runoff directly into the rainwater tank is not supported as the initial flow high in concentration of pollutants will be retained in the rainwater tank rather than being treated. The part of the overflow from the High flow bypass chamber, which will contain comparatively diluted pollutant concentration, can be directed into the rainwater tank. However, the overflow from the rainwater tank should be directed into the OSD system for flow control.
- f. A regular minor and major maintenance schedule shall be implemented.
- g. Amendments in red as shown on the Council's approved plans.

(Reason: To ensure appropriate stormwater management.)

62. DACCZ04 - Sydney Water's infrastructure / assets approval

A written "no objection" letter from Sydney water's Infrastructure/Asset Section is required for the appropriate remedial measures to eliminate the conflict/ encroachment in to the existing sewer line and its clearance exclusion zone that will be exposed by the construction of basement levels.

Unless Sydney water has no objection to the proposed remedial measures, such encroachment/constructions are not supported. Letter from Sydney Water's Infrastructure/Asset section indicating in principle "no objection" to the proposed remedial measures to eliminate the conflict shall be submitted to the Registered Certifier. A copy of the approval letter to is to be submitted to council.

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

63. DACCZ05 - Unobstructed vehicular access and pedestrian access during flooding event

Appropriate Flood Risk Management measures shall be implemented to provide unobstructed vehicular access and pedestrian access to the development site from the adjoining road during the 5%AEP and 1%AEP flood event. In this regard, section of the access driveway from the proposed new road to the building and the culvert crossing shall be rendered free of flooding or at least minimal flooding that do not prevent safe vehicular access and pedestrian access to and from the proposed building during 1%AEP flood event.

Appropriate measure shall be employed to address and deal with the above issues.

Note

As per the submitted flood report and the flood model results, the access driveway is noted to be inundated with flood water, 620mm deep over culvert surface (refer to Table 1 of Stantec's Flood advice report dated 17/11/2022) thus cutting off the access to the building including the emergency access and evacuation for medical reason during 1%AEP flood event and possibly during the 5%AEP flood event noting the fact as outlined in the supplementary flooding report dated 08/02/2024 that there is very limited time (approximately 36 minutes from the start of the storm burst to the occurrence of unsafe conditions while the unsafe condition is predicted to last a for longer time (100 minutes) before the flooding situation returning to normal condition.

(Reason: Flood risk and impact management.)

64. DACCZ06 - Driveway crest to prevent flood water entering the basement

The crest level across the width of the driveway level shall be at least 500mm higher than the associated 1%AEP flood level. This shall be demonstrated with the long section profile of the driveway from the road centreline to the basement. If a freeboard less than 500mm is proposed then the Flood engineer must justify the reason and certify that the reduced freeboard is safe for preventing flood water spilling through the driveway crest.

(Reason: To ensure protection of properties from flood.)

65. DACCZ07 - Habitable floor level to be 500 mm above the 1% flood level

The habitable area floor level including commercial area retail area and office area shall be at least 500mm above the associated 1%AEP flood level at the respective locations of the proposed buildings. The non-habitable area such as the garage, alfresco shall be at least 150mm above the associated 1%AEP flood level. In addition, the following matters shall be complied with:

- a. A certificate of design adequacy from the engineer shall be provided confirming that the driveway crest levels proposed/provided are adequate for preventing overtopping the driveway crest by the flood water and preventing flood water spilling into the basement.
- b. All electrical plants and equipment, electrical components and power points shall be located 500mm above the associated 1%AEP flood level.

All the plans, architectural, stormwater etc. shall be amended to incorporate the above requirements.

(Reason: To ensure protection of properties from flood.)

66. DACCZ08 - Stormwater Works within public domain including connection into the Stormwater system

Any work including drainage or pipe works within the public domain must be approved by council. In this regard, detail drawings must be submitted to council's Engineering Section (infrastructure) for approval prior to issue of the construction certificate related for the pipe connection work. Drawings shall show the details of the pipeline and the connection into council's Stormwater system, in accordance with council's standard drawing and specification. No works relating to connection shall start until the approval has been obtained.

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

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

67. DACCZ09 - Internal vehicular management system

Appropriate internal traffic circulation and management system comprising of traffic sign, traffic convex mirrors etc. shall be designed and installed at each critical location such as the corner/bend along the circulation aisle where the turning is required, and line of sight is critical. (i.e., on either end of the driveway ramp, and at each corner turning of each basement level as shown on the approved plan).

(Reason: To improve traffic circulation.)

68. DACCZ10 - Basement drainage pump out system

The basement car park shall incorporate the basement stormwater pump-out system. The basement pump-out system shall be designed by a suitably qualified practicing Civil Engineer. The design and construction of pump-out system shall be in accordance with Council's standards and specifications. The design shall incorporate the followings:

- (a) The basement pump-out system shall be designed include a combination of underground tank storage and aboveground storage for holding the stormwater runoff of up to 12 hours duration of 1%AEP Storm event to allow for pump failure. The underground part of the storage i.e., underground tank shall be designed with the sufficient capacity to store the runoff from 90-minutes duration of 1%AEP storm event, and the remaining balance shall be stored aboveground.
- (b) A two-pump system (operating on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:

- i. The permissible site discharge (PSD) rate; or
 - ii. The rate of inflow for the one hour, 5-year ARI storm event
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (d) Details of suitable measures to immediately alert the owners of the building (including when the building is not occupied) that a pump failure has occurred.
 - (e) The Location of a "pump failure warning sign" and flashing strobe light shall be indicated on the Drawing.
 - (f) A 100 mm freeboard to all parking spaces and storage areas. Adequate finished surface levels shall be shown for the above ground storage area to ensure it will be constructed correctly as applicable.
 - (g) Submission of full hydraulic details and pump manufacturers specifications and switching system including a plot of the System Curve against the Pump Curve.
 - (h) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the certified stormwater engineer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

(Reason: To ensure satisfactory storm water disposal.)

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

69. DAPCA01 - Appointment of Registered 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 registered certifier for the building work, and
 - (ii) given at least 2 days' notice to the Council, and the registered certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The registered 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 registered 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)

70. DAPCA02 - Home Building Compensation Fund

No residential building work within the meaning of the *Home Building Act 1989* may commence until:

- a) A contract of insurance in accordance with Part 6 of the *Home Building Act 1989* is entered into and is in force, where such a contract is required under that Act;
- b) The registered Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the

- Home Building Act 1989* (unless the work is to be carried out by an owner-builder);
- c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- d) Written notice of the following information has been provided to Council;
- i. In the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
 - ii. In the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the Registered Certifier, the registered Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Registered Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

71. 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)

72. DAPCA04 - Registered 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 Registered 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)

73. 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 Registered 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)

74. 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)

75. 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)

76. 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)

77. DAPCB03 - Protection of Landscape Features

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

Species	Location
Eucalyptus Tereticornis	Northern site boundary

The fencing must extend 7,800 mm beyond the trees' trunk, be at least 1.8m high, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected.

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

(Reason: Protection of trees to be retained)

78. DAPCB04 - Removal of Trees

The following trees are approved for removal:

Species	Location
Eucalyptus tereticornis x1 (T4)	Within Subject site

Callistemon viminalis x1 (T6)	Within Subject site
Eucalyptus robusta x7 (T7-T11, T13 & T15)	Within Subject site
Phoenix canariensis (T12)	Within Subject site
Lophostemon confertus x1 (T14)	Within Subject site
Casuarina glauca x16 (T16-T17)	Within Subject site

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

79. DAPCC02 - Dewatering

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

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

(Reason: To minimise/prevent impacts on waterways)

80. DAPCZ01 - Protection of Footpath paving, Kerb and Gutter

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

(Reason: To ensure protection of public asset.)

Conditions which must be satisfied during any development work.

81. 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)

82. DADWA02 - Dust Control

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

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

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

83. 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)

84. 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 Registered Certifier or Council on request.

(Reason: Compliance with condition of consent)

85. 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)

86. DADWA07 - General Site Requirements during Construction

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

- a) A single entrance is permitted to service the site for construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- b) Care must be taken during excavation and construction to prevent any damage to adjoining

buildings.

- c) 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.
- d) Any excess construction materials are to be recycled wherever practicable.
- e) The disposal of construction waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- f) 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.
- g) Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it.
- h) 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.
- i) 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.
- j) 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.
- k) 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.
- l) 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.)

87. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

88. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

89. DADWA12 - Compliance with the Noise Management Plan

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

(Reason: To protect residential amenity)

90. 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)

91. 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)

92. 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 (2022) Sampling Design Part 1 - Application.

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

93. DADWA17 - Notification of New Contamination Evidence and asbestos finds

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 including asbestos finds must be notified to the Registered Certifier and Council.

Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.

Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use.

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

94. DADWA19 - Excavation Pump-out

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

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

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

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

(Reason: Environmental amenity)

95. DADWA20 - Road and Footpath Opening Permit

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere

with a structure, work or tree on a public road; or pump water into a road without the consent or the appropriate roads authority Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place.

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

(Reason: Maintain public asset)

96. 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)

97. DADWB01 - Arborist Inspections

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

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

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

98. DADWB02 - Tree Protection

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

(Reason: Tree preservation)

99. DADWB06 - Tree Preservation - Driveway or Paving Works within the Tree Protection Zone (TPZ)

For approved driveway and or paving works within the Tree Protection Zone, as defined in section 3 of AS 4970 - 2009 'Protection of Trees on Development Sites' of trees to be retained, the driveway/paving must be constructed to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an Australian Qualification Framework Level 5 Project Arborist to the satisfaction of the Registered Certifier:

Species	Location
Eucalyptus Tereticornis	Northern site boundary

(Reason: Tree preservation)

100. 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)

101. 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)

102. 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 principle 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 Registered 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)

103. DADWC05 - Salinity

As per the Geotechnical Site Investigation Report prepared by Geotesta and dated 31/10/222, the site has been identified as having a slight salinity potential.

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

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

104. DADWC06- Air Conditioning Units for the apartments

Air conditioning units are to be located so that they are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

The presence of air conditioning units shall not reduce the size of the balconies as required by the Apartment Design Guide (Part 4E-1).

The air conditioning shall be appropriately noise attenuated, not exceed a background noise of more than 5dba measured from habitable room from adjoining and appropriately screened.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

105. 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 (Site 1).

(Reason: To ensure compliance with approved plans.)

106. 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)

107. DADWD05 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

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) 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 the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;
- d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

Prior to issuing an Occupation Certificate or Subdivision Certificate the Registered 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 Registered Certifier. Earlier critical stage inspections may be carried out by the Registered Certifier or, if the Registered Certifier agrees, by another certifier.

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

(Reason: Statutory requirement)

108. DADWZ01 - Inspection of works (Stormwater connection to Council's public infrastructure)

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

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

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

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

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

109. DADWZ02 - Inspection of Works (OSD system/Water Quality treatment system)

The stormwater drainage and/or pollution control devices shall be inspected during construction, by

the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

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

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

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

110. DADWZ03 - Vehicular access to premises and parking provisions

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

- a. Access to the premise:
 - i. An application for the vehicle crossing approval must be made to relevant authority (council) prior to commencement of the work.
 - ii. Any works requiring levels within the road reserve will require the submission of relevant authority's appropriate application form.
 - iii. The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
 - iv. A full width heavy duty vehicular crossing shall be provided opposite the vehicular entrance to the site, in accordance with council's requirements including council's design guidelines, policy, and shall comply with AS2890.1-2004/ AS2890.2-2002. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the council's issued drawings and level sheets.
 - v. Wheel stops shall be provided at appropriate parking locations in accordance with AS2890.1-2004.

(Reason: Provision of access and parking management.)

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

111. 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 Registered 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.
- c) The vehicular / pedestrian access to the building via the RE1 Public Recreation land is finalised with Council.

Note: A new building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

112. 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).

113. DAOCA04 - Engineers Certificate

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

114. DAOCA05 - Height

The maximum height of the proposed development shall be A.H.D 86.71 AHD at the highest point of the building being the lift overrun. A survey report is to be provided to the Registered Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To clarify the terms of the approval and the height of the building.)

115. DAOCA06 - Adaptable Housing

A minimum of sixty (60) apartments within the development shall be made adaptable.

(Reason: To ensure that an appropriate number of apartments are made adaptable within the development)

116. DAOCA08 - Certification of Engineering Works

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

- Work as executed drawings for completed engineering works from a registered surveyor.
- A Certificate from a qualified practising professional engineer with the Engineers Australia membership under the appropriate professional category, that certifies the following matters have been constructed in accordance with the approved plans:
- The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
- OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and the OSD basin wall leak proof capability etc.

The above mentioned certificate is to cover the following:

- a) the stormwater drainage system, and/or
- b) the car parking arrangement and area including circulating ramps, and/or
- c) any related footpath works, and/or
- d) the basement mechanical pump and/or
- e) the proposed driveway and layback, and/or
- f) 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.

(Reason: Asset management)

117. DAOCA09 - Boundary Fencing Flood Affected Areas

As the site is a flood affected, any new proposed or future 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.)

118. 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)

119. 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 existing public drainage pit/pipe system, and/or
- b) Construct a new vehicular crossing, and/or
- c) 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)

120. DAOCA12 - Construction of Concrete Footpath and kerb and gutter

A concrete footpath 2,000 mm wide shall be constructed across the full length adjacent to the frontage of the property.

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

Additionally, a standard 150mm high concrete kerb with gutter shall be constructed across the full length adjacent to the frontage of the property. The works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets.

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

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

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

121. 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 Registered 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)

122. DAOCB03 - Installation requirements for Water Cooling Systems

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

- a) Is installed in accordance with AS/NZS 3666.1:2011 with a certificate from the installer;
- b) Has all drainage and liquid discharges are to be discharged into a waste water system (Note: discharge to stormwater is not permitted).
- c) Provides for chemical storage in a suitable covered location that cannot result in chemicals spilling into stormwater systems.
- d) Is notified to Council.

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

123. 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 Registered Certifier that confirms the following:

- a) All recommendations contained in the DA acoustic report prepared by acouras consultancy dated 19/7/2023 reference SYD2022-1083-R001D Appendix B 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)

124. DAOCB06 - Monitoring of Field Parameters

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

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

125. DAOCB07 - Site Audit Statement

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

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

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

126. 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)

127. DAOCF01 - Landscape

Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required

on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Registered Certifier.

(Reason: Landscape certification)

128. DAOCG01 - Certification of the Constructed Stormwater Drainage System

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

(Reason: Adequate stormwater management.)

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

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

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

130. DAOCH03 - OSD Identification Plate

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

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

131. DAOCH09 - Certificate of Compliance

A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering any stormwater disposal outlet works and connection into Council's drainage system and roadworks shall be obtained from the Council and be submitted to the Registered Certifier.

(Reason: Protection of public asset)

132. DAOCZ01 - Vehicular access and parking requirements

Prior to issue of occupation certificate, the registered certifier shall ensure that the following requirements are complied with:

Parking space dimensions and aisle width

- a. A 2m wide x2.5m deep sight line clearance triangular area shall be provided on the Left hand side of the exit lane (Western side) of the driveway/ramp at the property boundary. The triangular sight line clearance area shall be clear of any planting or landscaping and other objects that exceeds a height of 600mm from the finished surface level of the driveway/ramp.
- b. The entry / exit lane of the driveways shall be indicated with appropriate signage, line marking, and one-way traffic directional arrows on the pavement of each lane to avoid traffic conflict at the entry/exit locations.
- c. An unbroken continuous double line marking shall be provided/ line marked from the entrance

to the site, through the ramp down to the basement and at every 90 degree bend/turn, together with the one-way traffic directional arrow markings on the pavement of each lane, at the beginning and at the end of the ramp to guide the vehicles into the respective lanes.

- d. Convex traffic mirrors shall be installed at every 90-degree bend/turning locations and wherever the line of sight is obstructed and not clear.

(Reason: Compliance with requirements of traffic, vehicle access, and parking requirements.)

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

To ensure that the public asset (such as stormwater pipes, pits etc.) are not affected by the development including the construction of the access driveway, a CCTV verification, and no damage such as cracking or settlement of council's stormwater drainage asset, shall be carried out upon the completion of the construction works. The assessment shall extend 10m upstream as well as downstream beyond the work zone.

The CCTV details shall have the stamp of the date, time, and distance/ chainage in metre. A CCTV inspection report with the table showing the chainage/ distance from the origin and the observed asset condition at critical locations must be prepared and submitted to the approving authority (council) together with the CCTV footage.

Any observed or likely damages shall be remedied by the applicant at its own cost to the satisfaction of Council's infrastructure Asset /Design section and must be completed prior to issue of any occupation certificate.

(Reason: Protection of public Asset.)

134. DAOCZ03 - On-Site Detention (OSD) area warning Signs

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

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

135. DAOCZ04 - Maintenance Schedule for On-Site Detention (OSD) stormwater System and Water quality Treatment system

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

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

136. DAOCZ05 - Public domain works

Any works on the public domain adjoining Site 1 will require separate approval from Council. Detailed design shall be prepared in accordance with the Council's standards and specifications, relevant plans and relevant parts of the Cumberland Development Control Plan 2021. The applicant shall liaise with Council's engineers and the landscape architect to ensure that the public domain works coincide with Council's final design.

(Reason: to ensure the design and construction comply with Council's requirements and relevant standards).

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

137. 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)

138. 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)

139. DAOUC15 - Noise - Residential buildings

The air conditioners / mechanical ventilation systems and rainwater tank pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am and after 10.00pm on any other day; and
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

140. DAOUC17 - Structure Borne Noise

Structure borne noise emitted from the development must not exceed the following criteria when measured inside any separate sensitive noise receiver at any time:

- a) Residential receivers: LA1, Slow 15 minute \leq LA90, 15 minute + 0 dB(A).
- b) Commercial receivers: LA1, Slow 15 minute \leq LA90, 15 minute + 3 dB(A).

(Reason: To protect residential amenity)

141. DAOUC19- Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan prepared by Elephants Foot Consulting Pty Ltd dated 14/12/2022 reference report No 4174 Rev D.

Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

142. 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)

143. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

144. DAOUZ01 - Annual maintenance inspection of OSD and WSUD

Annual maintenance inspection summary of the onsite detention (OSD) and water quality treatment devices (WSUD measures) with associated certificates shall be sent to Council within the first month of every calendar year. In this regard,

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

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

Advisory Notes

145. 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.



146. 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.

147. 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.

148. 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.

149. 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.

150. DAANN12 - Works/Construction Zones

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

151. DAANN13 - Work Health and Safety

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

152. 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)

153. 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 Registered Certifier may nominate additional inspections which need to be carried out.

Prior to issuing an Occupation Certificate or Subdivision Certificate the Registered 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 Registered Certifier. Earlier critical stage inspections may be carried out by the Registered Certifier or, if the Registered Certifier agrees, by another certifier.

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

(Reason: Statutory Requirements)