

## DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

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<b>Application No:</b>	DA2022/0759
<b>Applicant:</b>	Goodman Property Services (Aust) Pty Ltd & Goodman 1-11 Hayes Road ROSEBERY NSW 2018
<b>Property Description:</b>	132 McCredie Road, GUILDFORD WEST NSW 2161 Lot 1 in DP 596315
<b>Development:</b>	Demolition of existing structures and construction of three (3) warehouse buildings comprising of ten (10) warehouse units with ancillary offices to operate 24 hours a day seven (7) days a week with at-grade parking and loading areas, site access and associated site works
<b>Determined by:</b>	Sydney Regional Planning Panel

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### CONDITIONS OF CONSENT

#### Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**

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

(Reason: Statutory requirement)

#### Schedule 'A'

2. **DADCA02 - Easement Creation**

A drainage easement of minimum width equivalent to external diameter of the conduit plus 2m shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to public drainage system. Documents relating to the creation of the easement shall be lodged with NSW Land Registry Services, with registration being effected prior to Schedule "B" conditions becoming operational. All costs associated with the creation of the easement shall be borne by the applicant.

(Reason: To ensure legal means of discharge stormwater via gravity and/ or prevent localised flooding)

3. **DADCZ01 - Identification of Location and layout of existing council pipe**

Appropriate investigation such as CCTV or any accepted procedures of detailed investigation survey shall be carried out by a suitably qualified professional to establish and confirm the location, layout of the existing council pipe including size, invert levels and obvert levels, and its offsets/coordinates with respect to the property boundaries. The layout survey plan including the exclusion zone (zone of influence of structural load), the CCTV footage, the report of the CCTV results etc., shall be submitted to the council for consideration. The plan shall also show the buffer area for the drainage easement along the centreline of the pipe covering width equivalent to the diameter of the pipe plus 1m further on either edge of the pipe with its centreline following the centreline of the existing pipe. The confirmed layout and location of the pipeline shall be incorporated into the stormwater plan, landscape plan, and the architectural plan. Any proposed structure shall be outside the edge of the drainage easement and/or exclusion zone whichever is wider.

(Reason: To ensure and confirm location and layout of the council pipeline for protection measure)

**4. DADCZ02 - Amended flood impact study report**

Amended flood impact study report shall be prepared to the satisfaction of Council addressing the existing, and future impacts.

(Reason: To ensure minimal flood affectation, impact, and protection from the flood)

**5. DADCZ03 - Amended Stormwater plan**

For the safe disposal of site stormwater, the stormwater management plan must be prepared that incorporated the on-site detention (OSD) system, in accordance with Section G4 of Cumberland DCP 2021, Council's OSD policy, design guidelines and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention (OSD) Handbook". In this regard, the stormwater plan shall be amended to address the following matters to the satisfaction of Council.

(Reason: Stormwater management)

**6. DADCZ04 - Water Quality improvement/Treatment Measures**

The stormwater drainage plan for shall incorporate the water quality improvement/treatment measure in accordance with the Section 2.5 (Water Quality objective and control) under Cumberland DCP 2021 Part G4 including water quality improvement and water reuse measures. In this regard, the following matters shall be addressed.

- a) Detail drawings demonstrating the WSUD measure (stormwater quality treatment system) consistent with the council's policy shall be provided.
- b) The Water quality target as set out in the Table 5 of Cumberland DCP2021 Part G4 shall be achieved.
- c) The surface runoff from the impervious area such as the roof, car parking area, driveway etc. that contains pollutants are directed to the water quality treatment systems.

(Reason: Stormwater Quality Management)

**Schedule 'B'**

**General Conditions**

**7. DAGCA01- General**

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

(Reason: Advisory)

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

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

Reference/Dwg No	Title/Description	Prepared By	Rev	Date/s
-	Cover Page	Nettletontribe	-	June 2023
12609-DA002	Site Plan	Nettletontribe	P4	14/06/2023
12609-DA003	Demolition Plan	Nettletontribe	P1	01/12/2022
12609-DA010	Ground Floor and Roof Plan Building 1	Nettletontribe	P4	14/06/2023
12609-DA011	Lower Ground Floor Plan Building 1 and 3	Nettletontribe	P4	14/06/2023
12609-DA012	Ground Floor Plan Building 2 and 3	Nettletontribe	P4	14/06/2023
12609-DA013	Roof Plan Building 2 and 3	Nettletontribe	P4	14/06/2023
12609-DA014	Office Floor Plans Office 1A and 1D	Nettletontribe	P4	14/06/2023

12609-DA015	Office Floor Plans Office 1B and 1C	Nettletontribe	P4	14/06/2023
12609-DA016	Office Floor Plans Office 2A and 2C	Nettletontribe	P4	14/06/2023
12609-DA017	Office Floor Plans Office 2B and 2D	Nettletontribe	P4	14/06/2023
12609-DA018	Office Floor Plans Office 3A	Nettletontribe	P4	14/06/2023
12609-DA019	Office Floor Plans Office 3B	Nettletontribe	P4	14/06/2023
12609-DA020	Warehouse Elevations Building 1	Nettletontribe	P4	01/12/2022
12609-DA021	Warehouse Elevations Building 2	Nettletontribe	P4	14/06/2023
12609-DA022	Warehouse Elevations Building 2	Nettletontribe	P4	14/06/2023
12609-DA030	Warehouse Sections Building 1	Nettletontribe	P4	01/12/2022
12609-DA031	Warehouse Sections Building 2	Nettletontribe	P4	14/06/2023
12609-DA032	Warehouse Sections Building 3	Nettletontribe	P3	14/06/2023
Page 1	Landscape DA Package	Place Design Group	-	June 2023
Page 4	Landscape Concept Design	Place Design Group	-	June 2023
Page 5	Landscape Concept Design (Overall Concept)	Place Design Group	-	June 2023
Page 6	Landscape Concept Design (Overall Concept)	Place Design Group	-	June 2023
Page 7	Canopy Cover (Entire Site)	Place Design Group	-	June 2023
Page 8	Fencing Strategy	Place Design Group	-	June 2023
Page 9	Planting Strategy	Place Design Group	-	June 2023
Page 10	Planting Schedule	Place Design Group	-	June 2023
Page 11	Planting Palette	Place Design Group	-	June 2023
Page 12	Softscape Details	Place Design Group	-	June 2023
Page 13	Softscape Details	Place Design Group	-	June 2023
Page 14	Maintenance Schedule	Place Design Group	-	June 2023
Page 15	Maintenance Schedule	Place Design Group	-	June 2023
C-0001	Cover Sheet, Locality Plan and Drawing Index	Sky Engineering and Project Management	C	28/07/2023
C-0002	General Notes	Sky Engineering and Project Management	C	28/07/2023
C-0010	General Arrangement Plan	Sky Engineering and Project Management	C	28/07/2023
C-0100	Earthworks Cut Fill Plan Sheet 1	Sky Engineering and Project Management	C	28/07/2023
C-0130	Site Sections Sheet 1	Sky Engineering and Project Management	C	28/07/2023
C-0200	Roadworks and Drainage Plan Sheet 1	Sky Engineering and Project Management	C	28/07/2023
C-0201	Roadworks and Drainage Plan Sheet 2	Sky Engineering and Project Management	C	28/07/2023

C-0202	Roadworks and Drainage Plan Sheet 3	Sky Engineering and Project Management	C	28/07/2023
C-0203	Roadworks and Drainage Plan Sheet 4	Sky Engineering and Project Management	C	28/07/2023
C-0204	Roadworks and Drainage Plan Sheet 5	Sky Engineering and Project Management	C	28/07/2023
C-0205	Roadworks and Drainage Plan Sheet 6	Sky Engineering and Project Management	C	28/07/2023
C-0250	Driveway Longitudinal Section Sheet 1	Sky Engineering and Project Management	A	28/07/2023
C-251	Driveway Longitudinal Section Sheet 2	Sky Engineering and Project Management	A	28/07/2023
C-0430	Stormwater Drainage Catchment Plan	Sky Engineering and Project Management	C	28/07/2023
C-0450	Stormwater Longitudinal Section Sheet 1	Sky Engineering and Project Management	A	28/07/2023
C-0451	Stormwater Longitudinal Section Sheet 2	Sky Engineering and Project Management	A	28/07/2023
C-0452	Stormwater Longitudinal Section Sheet 3	Sky Engineering and Project Management	A	28/07/2023
C-0453	Stormwater Longitudinal Section Sheet 4	Sky Engineering and Project Management	A	28/07/2023
C-0454	Stormwater Longitudinal Section Sheet 5	Sky Engineering and Project Management	A	28/07/2023
C-0455	Stormwater Longitudinal Section Sheet 6	Sky Engineering and Project Management	A	28/07/2023
C-0456	Stormwater Longitudinal Section Sheet 7	Sky Engineering and Project Management	A	28/07/2023
C-0457	Stormwater Longitudinal Section Sheet 8	Sky Engineering and Project Management	A	28/07/2023
C-0460	OSD Tank 01 Plan and Section	Sky Engineering and Project Management	C	28/07/2023
C-0461	OSD Tank 02 Plan and Section	Sky Engineering and Project Management	C	28/07/2023
C-0462	OSD Tank 03 Plan and Section	Sky Engineering and Project Management	C	28/07/2023
C-0463	OSD Tank 04 Plan and Section	Sky Engineering and Project Management	P1	28/07/2023
C-0462	OSD Tank Details	Sky Engineering and Project	C	28/07/2023

		Management		
C-0470	Stormwater Drainage Details	Sky Engineering and Project Management	A	28/07/2023
C-0700	Erosion and Sediment Control Plan	Sky Engineering and Project Management	C	28/07/2023
C-0750	Erosion and Sedimentation Control Details	Sky Engineering and Project Management	C	28/07/2023
PSM 4265-002L	Desktop Geotechnical Review	PSM	5	12/12/2022
630.30397.002 00-R01	Sustainability Management Plan	SLR	1.0	09/12/2022
630.30397.003 00-R01-v3.0-20221209.docx	Waste Management Plan	SLR	-	09/12/2022
RWDI # 2205605	Noise and Vibration Impact Assessment	RWDI	B	08/11/2022
JNC03526	Arboricultural Impact Assessment	CIVICA	-	26/10/2022
20211252.001 A	Remediation Action Plan	Kleinfelder	-	19/02/2021
-	Site Audit Report	Senversa	-	19/02/2021
SY22-075-R01-02-Smithfield	Civil and Stormwater Design Report	Sky Engineering and Project Management	03	31/07/2023

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

**9. DAGCA03 - Concurrence development - Service authority conditions to comply with**

Endeavour Energy

- a) An application must be made for an asset relocation / removal to Endeavour Energy to determine possible solutions to the developer's requirements.
- b) Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
- c) The integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
- d) For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
- e) The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
- f) Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
- g) No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
- h) Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
- i) Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
- j) The applicant will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

- k) Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
- l) Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
- m) Prior to undertaking any works, the applicant must contact Endeavour Energy's Design Delivery - Civil Section via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666, for approval of the works and to only undertake them in accordance with such conditions as Endeavour Energy may reasonably impose.
- n) All encroachments and /or activities (works) within or affecting an easement or restriction (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easements Officer for assessment and possible approval if they meet the minimum safety requirements and controls.
- o) As the electricity distribution network relies in part on the retention of appropriate building setbacks to the road frontages to provide safety clearances, the encroachment of building setbacks (including by roof structures) is generally not supported by Endeavour Energy.
- p) The minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times.
- q) To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- r) Any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy.

A right of access benefitting Endeavour Energy is also required.

- s) Driveways should be designed to increase the separation to the any electricity infrastructure on the road verge as much as reasonably possible.
- t) Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

(Reason: Statutory compliance)

**10. DAGCA11 - No Approval for the Use of the Building/Tenancy**

No approval is given or implied for the use of each tenancy within the complex. Separate development consent is required to establish the use of each tenancy within the complex.

(Reason: Information.)

**11. DAGCB04 - Street Numbering of Tenancies**

Numbering of tenancies 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.)

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

**12. DAPDB02 - Demolition - General**

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

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

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

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

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

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

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

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

**13. DAPDB03 - Demolition - Asbestos**

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

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

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

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

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

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

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

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

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

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

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

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

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

(Reason: Public safety)

**15. 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 AS4970-2009 '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)

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

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



a current member grade of the Australian Acoustical Society.

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

- a) Identification of any noise sensitive receivers near to the site;
- b) A prediction as to the level of noise and vibration impact, including the likely number of high noise intrusive appliances/equipment likely to affect the nearest noise sensitive receivers;
- c) A statement outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then details of the following must be included in the plan:
  - i. Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
  - ii. Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- d) Confirmation of the level of community consultation that has/is and will be undertaken with the occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during demolition and excavation phases;
- e) Details of the noise and vibration monitoring that is to be undertaken during works;
- f) The type of action will be undertaken following receipt of a complaint concerning offensive noise or vibration, including nomination of a site contact.

(Reason: Environmental and residential protection)

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

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

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

**18. 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)

**19. 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 requirements as outlined in 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**

**20. 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)

**21. 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)

**22. DACCA04 - Works within Boundary**

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

(Reason: To ensure protection of adjoining properties)

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

A damage deposit of \$3,175 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)

**24. 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)

**25. DACCB04 - Cumberland Local Infrastructure Contributions Plan 2020**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020 is to be paid to Council. The amount of contribution is calculated at \$728,278. 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)

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

Types of fees	Amount	Payment timing
Damage Deposit	\$3,175.00	Prior to the issue of the CC
Contributions	\$728,278.00 Plus CPI	Prior to the issue of the CC
Bond for Registration of positive covenant and restriction for OSD system, WUSD measures, and Overland Flow path, Compensatory flood storage area maintenance	\$7,360.00	Prior to the issue of the CC
Bond for of Connection work into Council's Drainage System and Stormwater pipe protection	\$15,000.00	Prior to the issue of the CC
<b>TOTAL</b>	<b>\$731,453 plus CPI</b>	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. Please note that other fees and charges may be applicable to the proposal, and the total fees calculated at the time of payment may exceed the figures detailed above. Further, fees to be paid to Council will be determined at the time of payment in accordance with Council's current adopted Fees and Charges Policy and therefore may exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

**27. 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)

**28. DACCC02 - Protection of Public Places**

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

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

(Reason: Safety)

**29. 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)

**30. 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)

**31. 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)

**32. 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)

**33. 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)

**34. DACCF05 - Tree Replacement**

The landscape plan submitted with the Construction Certificate application shall incorporate the following replacement tree/s to ensure the preservation of the landscape character of the area.

Species	Location	Pot Size
Elaeocarpus reticulatus x5	Front staff car park garden area	75L

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

**35. 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 sizes 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)

**36. DACCG02 - Bicycle Parking Provision**

Provision for bicycles parking for each individual units shall be in accordance with the provisions of the Cumberland Development Control Plan 2021. Details shall be submitted with the Construction Certificate application.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Cumberland Development Control Plan 2021)

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

A minimum of 252 off-street car parking spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

In addition, the provision shall be made for at least 47 loading/unloading bay, in total, which shall consist of 8 bays for Building 1, 27 bays for building 2, and 12 bays for Building 3, for the largest approved vehicle as shown on the plan. In this regard, the loading/unloading zone shall be provided within subject site together with the truck manoeuvring and turning area within the site. The provision shall be demonstrated by the swept path clearance diagrams.

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

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.

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 for approval by the Principal Certifier prior to the issue of the Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

**38. DACCG06 - Emergency Vehicles - Pavement Design**

Internal access roads and driveways, which are required for access by service and/or emergency vehicles, shall be designed to withstand minimum laden weight of up to 24 tonnes. Details shall be submitted to and approved by Council or Registered Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

**39. DACCG07 - Maintaining Sight Lines**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5 metre by 1.5 metre 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)

**40. DACCG08 - Ramp Width Requirements**

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. Should the driveway narrow after this point, it is to be designed with a minimum 1.5m x 1.5m splay to allow for passing within the first 6m. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

**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 Registered Certifier.

The provision shall be in accordance with the approved stormwater plan, including any mark-up annotated therein and address the following issues.

- a) The detailed stormwater plan shall be consistent with the approved stormwater plan.
- b) 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.
- c) Unless the runoffs are directed to water quality treatment devices/system, the runoff from the site must be directed to the High Early Discharge (HED) control pit/chamber for efficient functioning of the OSD system, and the outflow from the OSD system must be disposed by gravity onto the public stormwater drainage system at appropriate location.
- d) The stormwater plan must include the catchment plan including the roof plans and indicate how the roof runoffs are collected and directed into the OSD system.
- e) All the stormwater pipelines carrying the runoffs within the site must be designed to accommodate the runoff up to 1% AEP storm event. This is required unless the overflow in excess of the pipe capacity are routed through the designated overland flow path, they are away from the pedestrian path, safe for pedestrians and property, and are directed into their respective On-site detention system.
- f) The cross sectional drawings of the OSD tanks shall provide sufficient detail information (such as levels, dimensions etc.). If required information cannot be provided in one sectional drawing, additional sectional details are to be provide for clarity.
- g) The permissible site discharge and storage volume requirement must comply with the parameters as outlined in the UPRCT's On-stie detention design handbook.
- h) To maintain cross-ventilation the opposite corners of the OSD tank (and the rainwater tank, if any) are to be facilitated with grated openings.
- i) The ponding depth within the underground OSD tank is to be at least 1,200mm. If this cannot be achieved due to level constraints then the depth can be lowered but the minimum depth shall not be less than 700mm subject to provision of access openings at regular spacing of not more than 3m centres.
- j) The OSD tank base floor shall not be lower than the orifice centre line level to prevent the stagnant ponding water within the storage area of the OSD tank.
- k) No more than 15% of the area of the catchment associates with the OSD system can be bypassed the OSD system. However, the runoff from the bypassed area still need to be managed.
- l) The access covers over the belowground OSD tank shall be grated, hinged with safety lock.

- m) Emergency overflow spillway shall be provided on the OSD tank for emergency overflow escape route.
- n) Amendments in red as shown on the Council's approved plans.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's Development Control Plan and relevant policies.

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

(Reason: Stormwater management)

**43. DACCJ03 - Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified practicing Professional Engineer with the Engineers Australia membership, in accordance with Council's Development Control Plan and relevant policies, and the certificate together with the design shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

Should any part of the existing drainage line/system be utilised, they are also to be certified by a suitably qualified professional in regard to its suitability and functionality.

(Reason: Adequate stormwater management)

**44. DACCJ05- Grated Drain to Garage Entrance/Driveway/Street Boundary**

A grated trench 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. DACCJ09 - Stormwater Connection to Public Drainage System within property**

The proposed stormwater connection into Council's drainage system within a property is subject to further approval. In this regard, a separate application shall be submitted to 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)

**47. DACCJ10 - Engineering Design - Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to Council or Registered Certifier prior to the issuing of a Construction Certificate:-

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.



- b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.
- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises)

**48. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

(Reason: To ensure the support for neighbouring buildings)

**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**

The Geotechnical Report prepared by PSM (Reference PSM4265-002L Rev 5 and dated 12 December 2022) identifies the site as being affected by low levels of salinity.

To prevent moisture/salinity from entering the built structure, appropriate construction measures are to be incorporated for the buildings.

The recommendations made at Part 3.7 of the report to address salinity concerns shall be incorporated in full into the construction certificate plans. 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 of 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 of 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 RWDI Australia Pty Ltd, dated 8 November 2022, Report No: 2205605.

**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. DACCZ01 - Retirement of ecosystem credits**

Prior to issue of construction certificate the class and number of ecosystem credits in Table 2 of the Biodiversity Development Assessment Report by Ecological Australia dated 11/08/2022 must be retired to offset the residual biodiversity impacts of the development.

(Reason: Ensure compliance with BOS.)

**57. DACCZ02 - Payment into the Biodiversity Conservation Fund**

The requirement to retire credits in condition DACCZ01 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C)1.

(Reason: Ensure compliance with BOS.)

**58. DACCZ03 - Supply evidence of credit retirement to consenting authority**

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition DACCZ01 must be provided to the consenting authority prior to commencement of issue of the Occupation Certificate.

(Reason: Ensure compliance with BOS.)

**59. DACCZ04 - Biodiversity Management Plan**

Prior to issue of subdivision certificate, a Biodiversity Management Plan must be prepared to the satisfaction of the consenting authority. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.

- The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report (BDAR) and approved plans.
- The Biodiversity Management Plan must identify areas of land that are to be retained as outlined in the BDAR.
- Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.
- The Biodiversity Management Plan must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity outlined in Table 1, including performance measures for each commitment.

<b>Biodiversity Issue</b>	<b>Measure</b>	<b>Timing</b>	<b>Responsibility</b>
Impact to nesting fauna.	Timing works to avoid critical life cycle events such as breeding or nursing.	During clearing works	Project Manager
Tree clearing.	Instigating clearing protocols including pre-clearing surveys, daily surveys and staged clearing, the presence of a trained ecological or licensed wildlife handler during clearing events.	During clearing works	Project Manager / Ecologist
Protection of vegetation proposed for retention	Clearing protocols that identify vegetation to be retained, prevent inadvertent damage and reduce soil disturbance; for example, removal of native vegetation by chain-saw, rather than heavy machinery, is preferable in situations where partial clearing is proposed.	During construction and operations.	Project Manager in consultation with the ecologist.
Sediment and erosion due to construction	Sediment barriers or sedimentation ponds to control the quality of water released from the site into the receiving environment	During construction and operations.	Project Manager
Light spill.	Conduct works during	During construction	Project Manager

	daylight hours.	and operations.	
Disruption to breeding cycles	programming construction activities to avoid impacts; for example, timing construction activities for when migratory species are absent from the site, or when particular species known to or likely to use the habitat on the site are not breeding or nesting	During construction	Project Manager
Impacts of employees attending site.	All staff working on the project will undertake an environmental induction as part of their site familiarisation. Site briefings should be updated based on phase of the work. This induction will include items such as: <ul style="list-style-type: none"> <li>• Site environmental procedures (vegetation management, Threatened species habitat and sediment and erosion control, exclusion fencing) TECs</li> <li>• What to do in case of environmental emergency (chemical spills, fire, injured fauna)</li> <li>• Key contacts in case of environmental emergency.</li> <li>• What to do in the case of finding fauna on the site.</li> </ul>	To occur for all staff entering / working at the site and when environmental issues become apparent.	Project Manager, all staff.

(Reason: Protection of retained vegetation.)

**60. DACCZ05 - Bond for Registration of positive covenant and restriction for OSD system, WUSD measures, and Overland Flow path, Compensatory flood storage area maintenance**

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, Water Quality treatment system, compensatory flood storage, and Overland Flow path maintenance. 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. DACCZ06 - Bond for of Connection work into Council's Drainage System and Stormwater pipe protection**

The applicant shall lodge with Council a \$15,000 or as advised by engineering section (infrastructure Design), cash bond or bank guarantee of amount to cover the satisfactory completion of connection into council's stormwater pipe and restoration of the council stormwater pipe and that no damages are caused to council's pipe within the easement during and after the completion of the construction works. This bond will be withheld for Six (6) months after the completion of works or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements)

**62. DACCZ07 - Habitable floor level to be 500mm above the 1% AEP flood level**

The habitable floor level, i.e., the finished floor level of the buildings 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. However, the level shall not be lower than the followings levels as per recommendation of the associated flood impact study report:

- a) The habitable area floor level for the all buildings on site shall be in accordance with the amended flood impact study as approved in Schedule A condition 4 of the consent.
- b) The non-habitable area floor level shall be at least 150mm above the associated 1% AEP flood level.
- c) 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)

**63. DACCZ08 - Flood Compatible Structure**

All the proposed building-structures, walls, etc. up to Flood planning level, FPL, (i.e., 1% AEP flood level plus 500mm freeboard) shall be designed and constructed of compatible building components to withstand effect of the associated flood and impact of the floating debris.

(Reason: To ensure protection of properties from the overland flood)

**64. DACCZ09 - Structural soundness to withstand impact of flood and floating debris**

All the building structures and wall up to the 500mm above 1% AEP flood level shall be designed to withstand effect of the overland flow and impact of the floating debris.

A Structural Engineer shall certify that the proposed structure can withstand the forces of floodwater, debris & buoyancy up to & including the FPL (1 % AEP flood plus freeboard).

(Reason: To ensure protection of properties from the overland flood)

**65. DACCZ10 - Flood Management Measures**

The development site has been identified as a flood affected site in the 1% AEP storm event, which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed:

- a) Demonstrate compliance with recommendation and requirements as outlined in the flood impact amended flood impact study as approved in Schedule A condition 4 of this consent.
- b) Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, floating debris and objects, and buoyancy up to and including the Flood Planning Level (1% AEP flood plus 500mm freeboard).
- c) All new works up to the flood planning level shall be constructed of flood compatible materials,
- d) All the electrical equipment, power supply, wiring, power outlets shall be located above the flood planning level. All works shall generally be in accordance with council's policy.
- e) All new or proposed boundary fencing within the flood-affected area shall be installed in accordance with Council standard detail SD8025.

(Reason: to ensure appropriate flood management measures are in place and protection from the flood)

**66. DACCZ11 - Overland flow path**

The existing overland flow path shall not be adversely impacted. Any modification to the existing overland flow path and extent shall ensure that the flow characteristics within the overland flow path such as the channel flow capacity, velocity and the depth of flow are not adversely impacted.

(Reason: to maintain existing overland flow path)

**67. DACCZ12 - Compensatory flood storage**

The existing flood storage area shall not be adversely impacted. Any modification to the existing flow path, flood storage area, and the extent shall ensure that the flow characteristics within the overland flow path, such as the channel flow capacity, and compensatory flood storage area are not adversely impacted. Including the compensatory flood storage area are

(Reason: to maintain existing overland flow path)

**68. DACCZ13 - Structure designs to provide adequate clearance to existing Council's stormwater pipe**

A clearance letter from Council's Engineering Section-Infrastructure Design, shall be obtained with respect to the required set back to the existing Council's stormwater pipe. In this regard,

- a) Accurate pipe location and proposed building set back from the existing Council's stormwater pipe shall be marked on the plan.
- b) Proposed building and associated overhang such as the eaves shall be clear of the easement. A minimum clearance of 500mm from the existing council's stormwater pipe is required when the pipe is located outside the easement or close than 500mm from the edge of the easement.
- c) The zone of influences of the structural load from the adjacent structures must be outside the council pipe.

Note: When council pipe is outside the easement or closer than 500mm from the easement edge, and if a minimum 500mm set back is not available for the approved building, then proposed building shall be relocated to provide minimum 500mm from the existing Council's stormwater pipe.

(Reason: to ensure council's stormwater pipe is not affected by the proposed works)

**69. DACCZ14 - Special footings**

Special footings shall be provided where the proposed/existing structure results in the zone of influence of the load falling over existing stormwater pipe (i.e., the pipe within the zone of influence of load) and /or the structure is adjacent to drainage easement. The footings provision shall demonstrate that load due to proposed structure or the development do not result impact on the adjacent stormwater pipe.

The footings shall be located clear of the easement, and designed by a practising structural engineer. Further, the footings of the building, wall, or any structure adjacent to the easement to be create shall be designed to withstand all forces if the easement is excavated to existing pipe invert levels. The details shall be designed by a suitably qualified structural engineer with evidence to demonstrate that the design has met the relevant Australian Standard and codes, and be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate.

(Reason: to ensure stormwater easement is not affected by the proposed works)

**70. DACCZ15 - Approval for the Drawing of connection into council Pipe Works**

Any work including drainage or pipe works within the public domain/ public reserve and the connection work into public drainage pipeline must be approved by council. In this regard, detail drawings must be submitted to council's Engineering Section (Infrastructure Design) for approval prior to issue of any construction certificate.

Drawing showing details of the connection into council's Stormwater pipe shall be prepared in accordance with council's standard drawing SD8018, and submitted to the satisfaction of Council's Engineering Section (Infrastructure Design) for approval. No works relating to connection shall start until the approval has been obtained.

Council's standard assessment fee will apply. Additional fees will apply for additional assessments that are required to be undertaken by Council.

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

**71. DACCZ16 - Water Sensitive Urban Design (WSUD) measures**

In accordance with the section 2.7 of Cumberland DCP 2021 part G4 , the development must incorporate the Water Sensitive Urban Design (WSUD) measures to comply with the controls outlined therein and achieve the pollutant removal targets. The WSUD measure must accompany a MUSIC model. .

The stormwater layout plan is noted to incorporate the cartridge filtration systems as the measure for site stormwater runoff treatment system. However, the following matters must be complied.

- a) The surface runoff from the impervious area such as the roof, car parking area, driveway etc. that contains pollutants are directed to the water quality treatment systems.

In addition, the runoff from the driveway and parking area must undergo pre-treatment such as removal of hydrocarbon and the sediments prior to being directed into the filtration system.

- b) The Water quality target as set out in the Table 5 of Cumberland DCP 2021 Part G4 shall be achieved.
- c) Arrangement must be made to collect and separate the first flush, i.e., the initial flow equivalent to 1 in 3 month's flow from each catchment that contains high concentration of pollutants, to be collected and treated fully without being escaped untreated. In this regard, a device known as high flow bypass chamber shall be employed to separate the initial flow, equivalent to 1 in 3 month's equivalent flow to be separated, through a low level flow outlet into the water quality treatment / filtration system, and the flow exceeding the rate to be discharged through the high level overflow or outlet pipe into the OSD system.
  - i. The flow must be controlled by appropriate mechanism such as orifice (the flow exceeding 1 in 3 months equivalent flow must be directed into to the OSD system).
  - ii. Appropriate number of devices/system must be provided for sufficient treatment rate equivalent to the flow rate of the segregated/separated flow containing concentrated pollutants and ensure that no flow escapes or bypass the treatment system. Alternatively, the volume of the polluted water must be held or stored in a holding area for treatment with sufficient holding/ storage capacity.
  - iii. The required provision must be shown on the drawing. In this regard, cross sectional details of the treatment system with the respective levels, must be prepared to ensure that the HGL from the treatment system is consistent and at a higher level and that there is no backflow into the treatment system.
  - iv. If directing the outflow from the filtration system into the OSD system is not possible, then the outflow (treated stormwater) from the filtration system should be directed into the overflow chamber thus bypassing the OSD system and the OSD design must account for the amount of this bypass flow and the orifice size of the OSD system must be resized/ reduced accordingly taking account of the outflow from the filtration system that bypass the OSD system, such that the total outflow from the site remains within the permissible limit.
- d) The pollution removal targets must be demonstrated with the supporting documents including the MUSIC model with the input parameters and output results. Further, the removal efficiency parameters input in the model must be consistent with the manufacturer's pollutant removal efficiency.
- e) MUSIC model must be reflected on the stormwater plan (layout and cross-sectional details), and be consistent with the arrangements /layout as proposed in the MUSIC model.
- f) Electronic copy of the MUSIC models must be submitted accompanying the input and output

parameters/ results.

- g) A regular minor and major maintenance schedule must be implemented.

(Reason: Stormwater Quality Management)

**72. DACCZ17 - 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)

**73. DACCZ18 - Boundary fencing flood affected areas**

The portion of the proposed boundary fence that remains within the overland flood affected area shall have clear opening at the bottom to allow unobstructed free flow of floodwater through the fence and constructed of the pool type in accordance with council's standard drawing SD8025.

(Reason: To ensure adjoining property owners' consent to the fencing)

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



**74. DAPCA01 - Appointment of Principal Certifier**

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
  - i appointed a principal certifier for the building work, and
  - ii given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
  - i notified the Council of his or her appointment, and
  - ii notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - i appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii notified the principal certifier of such appointment, and
  - iii unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(Reason: Statutory requirements)

**75. 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)

**76. DAPCA04 - Principal Certifier Sign**

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

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

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

(Reason: Statutory requirement)

**77. DAPCA05 - Sydney Water Tap in Approvals**

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains

and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) or call 1300 082 746.

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

(Reason: Statutory requirement)

**78. 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)

**79. 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)

**80. DAPCA09 - Vehicular Crossings, Redundant Vehicular Crossings and other Works**

Concrete vehicular crossing(s) shall be constructed across the footpath at the entrance(s) and/or exit(s) to the site in accordance with Council requirements. All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer

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)

**81. DAPCB01 - Bushland Protection**

To control the spread of weeds or exotic seeds into the adjoining bushland reserve, a strip of filter fabric is to be attached to the sediment fence prior to the commencement of demolition, excavation or building works. The filter fabric is to extend a minimum of 50mm into the existing ground and is to extend a minimum 150mm above existing ground. The filter fabric is to be securely attached to the entire length of the sediment fence. The build-up of sediment against the filter fabric is to be regularly removed and disposed of responsibly off site to ensure on-going effectiveness.

(Reason: Tree preservation)

**82. 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
T69,71, 132, 189, 192, 195, 196, 70, 72, 73, 76, 77, 78, 82, 85, 126, 129, 135, 137, 140, 141, 143, 144, 148, 149, 154, 157, 160, 161, 162, 165, 166, 168, 169, 175, 176, 177, 178, 179, 186, 187, 188, 190, 194, 197, 199, 200, 64, 65, 66, 67, 68, 74, 75, 79, 81, 84, 128, 130, 131, 133, 136, 138, 139, 145, 147, 151, 155, 156, 158, 159, 163, 164, 167, 172, 173, 174, 180, 181, 182, 183, 184, 185, 191, 193, 198, 201.	Within property boundary and neighbouring council reserve.

The fencing must extend beyond the trees' trunk as per the specification set out in the Arboricultural Impact Assessment by Civica dated 26 October 2022, 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.)

**83. DAPCB04 - Removal of Trees**

The following trees are approved for removal:

Species	Location
T3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 29, 30, 32, 33, 34, 35, 37, 45, 46, 48, 49, 50, 51, 62, 63, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 103, 104, 105, 107, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 124, 127, 134, 152, 202, 204, 208, 209, 219, 221, 222, 223, 224, 1, 2, 10, 20, 21, 22, 23, 26, 27, 28, 36, 38, 39, 41, 42, 43, 44, 47, 52, 53, 56, 57, 58, 59, 60, 61, 89, 99, 108, 109, 113, 123, 125, 150, 153, 170, 171, 203, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 220.	Within the property boundary.

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

**84. DAPCC01 - Salinity**

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

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

**85. DAPCC02 - Dewatering**

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

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

**86. DAPCZ01 - Protection of Footpath paving, Kerb and Gutter**

Protection must be provided for Council footpath paving, kerbing and guttering. 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**

**87. 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)

**88. 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)

**89. 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)

**90. DADWA04 - Unexpected find of Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

(Reason: Environmental protection)

**91. DADWA05 - Construction Management Plan**

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

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

(Reason: Compliance with condition of consent)

**92. 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)

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

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- e) 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.
- f) Any demolition and excess construction materials are to be recycled wherever practicable.
- g) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- h) 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.
- i) Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- j) 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.
- k) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- l) 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.
- m) 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.
- n) 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.

- o) 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.)

**94. DADWA09 - Electricity and Telecommunication Connections**

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

**95. 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)

**96. 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)

**97. 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.

All fill imported onto the site must be validated by either one or both of the following methods:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

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

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

Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Council.

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

Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Council

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

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

**99. DADWA18 - Decommissioning/ Removal of Underground Storage Tanks**

Decommissioning and removal of any underground storage tank/s are to be supervised by a 'duly qualified person' as defined by the Protection of the Environment Operations (Underground Petroleum Storage Systems) *Regulation 2019*. If a storage system is decommissioned/removed, the person responsible must ensure that a report for the storage site, prepared in accordance with clause 23 of the Regulation, is submitted to Council within 60 days of the completion of decommissioning or the completion of remediation. Documentation relating to the decommissioning must be kept for 7 years.

(Reason: To ensure compliance with statutory requirements)

**100. 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)

**101. DADWA22 - Dust Control - Major Works**

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

- a) Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
- b) Dust must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) Soil and material stockpiles are to be kept damp or covered.
- d) Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

**102. 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)

**103. 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)

**104. 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
Trees marked 65-85 on AIA.	Eastern boundary of property.

(Reason: Tree preservation)

**105. DADWC01 - Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

(Reason: Protection of infrastructure, safety & information)

**106. DADWC10 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

**107. DADWC13 - Lighting**

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

(Reason: Protect amenity of surrounding area)

**108. 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)

**109. DADWC16 - Waste Management**

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

(Reason: Compliance with approval)

**110. DADWZ01 - Driveway within the Nature Strip/road reserve**

The vehicle crossing and the access driveway between the street and front boundary shall be sufficiently widened to allow the largest vehicle (truck) manoeuvring to and from the site with no part of the vehicle protruding out of envelope of the driveway, and comply with requirements of AS2890.2-2002.

(Reason: To maintain uniformity of driveway and compliance with Australian standard)

**111. DADWZ02 - Inspection of Works (Stormwater Connection to Council's Infrastructure)**

The stormwater drainage works connecting into the Council stormwater system shall be inspected by Council during construction. 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 drainage connection.
- b) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.
- 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.

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

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

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

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

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifier is required to be satisfied, amongst other things, that:

- a) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- b) Any preconditions to the issue of the certificate required by a development consent have been met.

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

(Reason: Statutory requirement)

**113. 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).

**114. DAOCA04 - Engineers Certificate**

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principle Certifier. This certificate shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant standards/codes.

(Reason: Structural certification)

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

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

- a) Work as executed drawings for completed engineering works from a registered surveyor.
- b) The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
- c) OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- d) Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
- e) 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.
- f) 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.
- g) 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 :
  - i. the stormwater drainage system, and/or
  - ii. the car parking arrangement and area including circulating ramps, and/or
  - iii. any related footpath works, and/or
  - iv. the basement mechanical pump and/or
  - v. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

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

(Reason: to ensure quality of the asset, Councils record and Asset management)

**116. DAOCA09 - Boundary Fencing Flood Affected Areas**

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

(Reason: Safety and security)

**117. DAOCA11 - Civil Works on the Footway**

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

- a) Reconstruct sections of cracked or defective kerb and gutter along the full frontage of the site, and/or
- b) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or

- c) Reconstruct existing public drainage pit/pipe system, and/or
- d) Construct a new vehicular crossing, and/or
- e) 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)

**118. DAOCA12 - Construction of Concrete Footpath**

A concrete footpath 1,200mm wide or as required by Council's Engineering section Infrastructure Design shall be constructed across the full length adjacent to the frontage of the property. These 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'.

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)

**119. DAOCA13 - Construction of Concrete Kerb and Gutter**

Standard 150mm high concrete kerb with gutter shall be constructed across the full length adjacent to the frontage of the property. These 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 completed prior to the issuing of any Occupation Certificate.

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

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

**120. DAOCB01 - Mechanical Ventilation - Compliance**

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

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

**121. DAOCB04 - Acoustic Verification Report**

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant\* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- a) All recommendations contained in the DA acoustic report prepared by RWDI Australia Pty Ltd, dated 8 November 2022, Report No: 2205605 have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

\*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To protect residential amenity)

**122. 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)

**123. DAOCB07 - Site Audit Statement**

The Principal 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)

**124. DAOCB08 - Site Audit Statement subject to Environmental Management Plan**

Where the Section A Site Audit Statement (SAS) will be dependent upon the implementation of an Environmental Management Plan (EMP), the EMP must be approved by the Site Auditor and Council prior to the issue of the SAS.

The owner of the land is required to comply with all ongoing obligations of the EMP, which form part of the SAS for the site.

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

**125. 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:

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

(Reason: Fire safety)

**126. 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 Principal Certifier.

(Reason: Landscape certification)

**127. DAOCF03 - Arborist's Report - Follow up**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate. This report must document:

- 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: Ensure survival of trees to be retained)

**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 detention systems, water quality treatment and pollution control devices, overland flood path, and compensatory flood storage within the subject site in accordance with the flood impact assessment report. Council shall be identified as the authority with power to release, vary or modify the covenant / restriction.

(Reason: To ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems)

**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. DAOCH08 - Creation or Relocation of Stormwater Drainage Easement**

For the protection public stormwater drainage pipe system, the applicant shall create stormwater drainage easement over the existing public stormwater drainage pipeline benefitting Council at no cost to council. The width of the easement shall be at least the outer diameter of the pipe plus 2m rounded up to 100mm. The layout and location of the drainage easement shall be such that the pipeline is centrally located within the easement.

A plan of survey by a Registered Surveyor showing the position of the proposed drainage easement relative to the existing stormwater drainage pipeline shall be submitted together with the plan of easement for endorsement of the plan by council. The endorsed plan of easement shall be registered the with the NSW Land Registry Services (LRS) and a copy of the registered plan with the registration

details and the registration seal of NSW LRS shall be submitted to council as a proof, prior to issue of an Occupation certificate.

No building shall be erected on or over the easement. A survey certificate shall be submitted to the Principle Certifier at formwork/construction stage and prior to pouring of concrete slabs or footings, which demonstrates compliance with this requirement prior to the issue of an Occupation Certificate.

Footings are to be founded below a plane rising at 45 degrees from the line of the invert of the Council pipe and are to be outside the easement.

(Reason: Protection of public asset)

**132. DAOCH09 - Certificate of Compliance**

A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifier.

(Reason: Protection of public asset)

**133. DAOCZ01 - Additional plans and contamination information required**

Prior to commencement of remediation works following demolition and removal of site infrastructure, and before the construction of any built form, the following plans are required to be prepared and approved by the auditor with a copy of these documents submitted to Council:

- Remedial Works Plan (RWP) which includes additional ultra-trace sampling for PFAS in groundwater and assessment of the duty to report.
- Construction Environmental Management Plan (CEMP).
- Validation Sampling Analysis and Quality Plan (VSAQP).

A Section A Site Audit Statement (SAS) is required on the completion of remedial works and review of the validation documentation. Note: Based on the outcomes, the overall remedial strategy may need to be updated and, should this occur, an updated remedial works plan and validation sampling analysis and quality plan must be prepared and submitted to Council.

(Reason: To ensure controls are in place for contamination management and as recommended by site auditor)

**134. DAOCZ02 - Emergency flood evacuation plan**

Emergency Flood evacuation measures and plan shall be prepared for evacuation of occupant to a safe refuge at a location higher than the PMF flood level, off site or on-site whichever is applicable.

(Reason: ensure protection of person from flood)

**135. DAOCZ03 - Public Drainage Infrastructure - Post construction dilapidation report (CCTV)**

To ensure that the Council's 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 councils asset, shall be carried out upon the completion the construction works.

The CCTV shall extend 10m upstream as well as downstream beyond the work zone. The CCTV 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 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 Manager Engineering and Traffic, and must be completed prior to issue of any occupation certificate.

(Reason: Protection of council Asset)

**136. DAOCZ04 - Access to premise and parking provisions**

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

a) Access to the premise

- i. Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.
- ii. The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
- iii. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, in accordance with council's requirements including council's design guidelines, policy and shall comply with S2890.1-2004. 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 Council's issued drawings and level sheets.

b) Parking space

- i. All parking spaces shall be signposted and line marked in accordance with the endorsed signs and line marking plans and Australian Standards (i.e., AS2890.1 2004, AS2890.1 2002, and 2890.6 2009).
- ii. The entry / exit driveways shall be indicated with appropriate signage and line marking to avoid traffic conflict at the driveway.
- iii. Wheel stops shall be provided at appropriate parking locations in accordance with AS 2890.1-2004.

(Reason: Provision of access and parking management)

**137. DAOCZ05 - Maintenance Schedule for On-Site Detention (OSD) stormwater System / pollution control devices/ Overland flow path**

A maintenance schedule for the stormwater and On-site Stormwater Detention, pollution control devices. And Overland flow path including a sketch plan of the components forming the sites stormwater drainage, On-Site-Detention system, and overland flow path 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)

**138. DAOCZ06 - Green Travel Plan**

A Green Travel Plan prepared by a suitability qualified transport consultant shall be submitted to and approved by the Executive Manager Development and Building prior to the issue of an Occupation Certificate for the industrial development on site.

The Plan shall be designed to address different transports needs and patterns and encourage more sustainable travel for the journey to and from work and also during the course of work. The plan shall outline the initiative for, but not limited to, the followings:

- a) Initiatives for walking;
- b) Initiatives for cycling;
- c) Use of public transport;
- d) Car-sharing parking space; and
- e) End-of trip facilities.

(Reason: to ensure green travel options are available on site))

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



**139. DAOUA09 - Business/Trade Commercial Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council on request.

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

**140. DAOUA12 - Forklifts**

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

(Reason: Pedestrian and traffic safety)

**141. DAOUA14 - Hours of Business Operation**

The hours of operation of each tenancy may be 24 hours daily.

(Reason: Ensure business operates between approved hours)

**142. DAOUA20 - Loading**

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

(Reason: Adequate servicing)

**143. 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)

**144. DAOUC01 - Chemical Storage**

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

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

(Reason: Environmental protection)

**145. DAOUC04 - Air Emissions**

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

(Reason: To protect human health and the environment)

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

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

(Reason: To protect human health and the environment)

**147. DAOUC08 - Spill Kit Required**

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

(Reason: To protect the environment)

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

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

(Reason: To protect residential amenity)

**149. DAOUC19 - Compliance with Waste Management Plan**

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

**150. 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)

**151. DAOUZ01 - Annual maintenance inspection of OSD & 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)

**152. DAOUZ02 - Implementation of Green Travel Plan**

The Green Travel Plan as approved in condition 138 shall be implemented and form part of the lease agreement to all future tenants for ongoing purposes.

(Reason: to ensure the Green Travel Plan is imposed)

## **Advisory Notes**

**153. 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.



**154. 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.

**155. DAANN03 - Dividing Fences**

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

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

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

**156. 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.

**157. 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.

**158. 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.

**159. 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.

**160. DAANN13 - Work Health and Safety**

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

**161. 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)

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

The following critical stage inspections must be carried out:

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

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

Prior to issuing an Occupation Certificate or Subdivision Certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

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

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

(Reason: Statutory Requirements)