

## DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

<b>Application No:</b>	DA2023/0164
<b>Applicant:</b>	Sydney Marae Alliance C/- Urbis Level 8 123 Pitt Street SYDNEY NSW 2000
<b>Property Description:</b>	7 Hyland Road, Greystanes, NSW 2145, Lot 2 DP 525167
<b>Development:</b>	Construction and operation of a multi-purpose community facility known as the Sydney Maori Cultural Centre
<b>Determined by:</b>	Sydney Central City Planning Panel

### CONDITIONS OF CONSENT

#### General Conditions

##### 1. DAGCA01- General

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

(Reason: Advisory)

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

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

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
DA1005 Rev 3	Proposed Site Plan	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2000 Rev 3	Ground Floor Plan	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2001 Rev 3	Level 1 Plan	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2002 Rev 1	Roof Plan	DKO Architecture (NSW) Pty Ltd	23/3/2023
DA2003 Rev 2	South Elevation	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2004 Rev 2	North Elevation	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2005 Rev 2	East Elevation	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2006 Rev 2	West Elevation	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2007 Rev 2	Whare Nui Sections	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA2008 Rev 2	Whare Kai Sections	DKO Architecture (NSW) Pty Ltd	9/1/2023
DA2009 Rev 2	Whare Kura Sections	DKO Architecture (NSW) Pty Ltd	9/1/2024
DA3000 Rev 2	Waharoa Plan	DKO Architecture	16/10/2023

		(NSW) Pty Ltd	
DA3001 Rev 1	Waharoa Front Elevation	DKO Architecture (NSW) Pty Ltd	23/3/2023
DA4000 Rev 1	Finishes Schedule	DKO Architecture (NSW) Pty Ltd	23/3/2023
LA06 Rev K	Proposed Vegetation and APZ Response outside lease	Taylor Brammer	22/2/2024
LA07 Rev K	Proposed Vegetation and APZ Response inside lease	Taylor Brammer	22/2/2024
LA08 Rev K	Landscape DA Plan	Taylor Brammer	22/2/2024
LA09 Rev K	Landscape DA Plan	Taylor Brammer	22/2/2024
LA10 Rev K	Landscape DA Plan	Taylor Brammer	22/2/2024
LA11 Rev K	Plant Schedule	Taylor Brammer	22/2/2024
LA12 Rev K	Tree retention and removal plan	Taylor Brammer	22/2/2024
LA13 Rev K	Revised firetrail and shared entry setout plan	Taylor Brammer	22/2/2024
LD01 Rev K	Landscape details	Taylor Brammer	22/2/2024
LD01 Rev K	Landscape road details	Taylor Brammer	22/2/2024
C100 Rev F, C101 Sheet 1 of 8 Rev F, C102 Sheet 2 of 8 Rev F, C103 Sheet 3 of 8 Rev F, C104 Sheet 4 of 8 Rev F, C105 Sheet 5 of 8 Rev F, C106 Sheet 6 of 8 Rev B, C107 Sheet 7 of 8 Rev B, C108 Sheet 8 of 8 Rev A (as annotated in red).	Stormwater Plans	Richmond + Ross Pty Limited	5/10/2023
C200 Rev C, C201 Sheet 1 of 8 Rev C, C202 Sheet 2 of 8 Rev C, C203 Sheet 3 of 8 Rev C, C204 Sheet 4 of 8 Rev C, C205 Sheet 5 of 8 Rev C, C206 Sheet 6 of 8 Rev A, C207 Sheet 7 of 8 Rev A, C208 Sheet 8 of 8 Rev A	Erosion and Sediment Control Plans	Richmond + Ross Pty Limited	5/10/2023
C250 Rev A	Erosion and Sediment Control Details	Richmond + Ross Pty Limited	23/3/2023
C600 Rev C	Filtterra Bioscope Bio Retention Basin Notes	Richmond + Ross Pty Limited	5/10/2023
C601 Rev C (as annotated in red).	Bio Retention Basin & OSD Plan & Section	Richmond + Ross Pty Limited	5/10/2023
C602 Rev C (as annotated in red).	Bio Retention Basin Section & Miscellaneous Details	Richmond + Ross Pty Limited	5/10/2023
Job Ref:230007 Rev C	Stormwater Management Plan	Richmond + Ross Pty Limited	October 2023

Reference 25062	Arboricultural Impact Assessment	Urban Tree Management Australia Pty Ltd	15 September 2023
BDAR Rev A	Biodiversity Assessment Report	Fraser Ecological	7 October 2023
A101022.0996 DSI.v1f	Phase II - Detailed Site Investigation	ADE Consulting Group	4 August 2023
22.0966.Ltr1.v2f	Addendum to Detailed Site Investigation	ADE Consulting Group	8 September 2023
5617-1.1R Rev B	Environmental Noise Impact Assessment	Day Design Pty Ltd	28 September 2023
5617-3.1L	Noise Management Plan	Day Design Pty Ltd	13 March 2024
Unnumbered	Operational Waste Management Plan	Foresight Environmental	15 March 2023
CNR-55270		Endeavour Energy	17 May 2023
Unnumbered	Cumberland Police Area Command (CPTED)	NSW Police	23 May 2023
DA20230516002079-CL55-1		NSW Rural Fire Service	4 December 2023

For comprehension of approved levels, reference has been made to survey plan reference No. 9588-DET Sheet 1 of 9, Sheet 2 of 9, Sheet 3 of 9, Sheet 4 of 9, Sheet 5 of 9, Sheet 6 of 9, Sheet 7 of 9, Sheet 8 of 9 and Sheet 9 of 9 Issue B, prepared by CitiSurv Ptd Ltd dated 11 August 2022.

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

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

##### **3. DAPDB09 - Tree Preservation**

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

(Reason: Tree Preservation and Protection)

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

A site specific Noise Management Plan shall be developed and submitted to the Council or registered certifier 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 noise criteria, then details of the following must be included in the plan:
  - Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
  - 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 or 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)

**5. DAPDB12 - Sediment and Erosion Control measures**

Prior to the commencement of works, including demolition, 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, shall be constructed upstream of 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 areas only with other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having the 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.

The above 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)

**6. DAPDB13 - Sediment and Erosion Control Plan - Large sites**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the Landcom's Managing Urban Stormwater: Soils and Construction - Volume 1, commonly known as the 'Blue Book'. All Erosion and sediment control measures at the site shall be in accordance with the erosion and sediment plans drawn *by Richmond+Ross Pty Ltd* numbered *2230007-C200 to C208, and C250, Revision "C" dated 05/10/2023* and must comply with the requirements 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)

**7. DAPDZ01 - Protection of Footpath paving, Kerb and Gutter**

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

(Reason: To ensure protection of public asset)

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

**8. DACCA01 - Amendments to Approved Plans**

Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of the relevant Construction Certificate incorporating the following matters:

Amended stormwater plan.

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

- a. The stormwater plan shall include a layout plan showing the overall stormwater pipeline and pits layout for clarity.
- b. The stormwater management system including the On-site detention system shall be designed in accordance with the policy, design guidelines, and requirements of Cumberland City Council. In this regard, the following shall be complied.
- c. The on-site detention system shall be designed using the council's OSD calculation summary sheet (excel spreadsheet). The calculation should account for the whole of the development area including OSD bypass area.

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

**9. 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)

**10. 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 relevant Construction Certificate application.

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

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

A damage deposit of \$6860.00 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)

**12. 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)

**13. DACCB04 - Section 7.12 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.12 of the *Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at \$80,565.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

(Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan)

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

Types of fees	Amount	Payment timing
Damage Deposit	\$6860.00	Prior to issue of CC
Sect. 7.12 Contributions	\$80,565.00+ CPI	Prior to issue of CC
Bond for Registration of positive covenant and	\$7360.00	Prior to issue of CC

restriction for OSD, and Water Quality Treatment System (WSUD)		
Construction Traffic Management Plan	\$374.00	Prior to issue of CC
Driveways Inspections	\$806.00 (2 x Inspections)	Prior to issue of CC
TOTAL	\$95,965.00+ CPI where applicable	

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. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

#### 15. **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: Public safety)

#### 16. **DACCC03 - Submission of Plans for Works within the Road Reserve**

The submission to Council of three copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside the subject site including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

- a) Prepared and submitted in electronic format, undertaken by a consulting civil engineer,
- b) Approved in writing by Council under section 138 of the *Roads Act 1993*, prior to the issue of the *Construction Certificate*,
- c) All civil engineering works adjacent/near/outside the subject site are to be fully supervised by Council. A maintenance period of six months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- d) Upon completion of the works, the Applicant is to provide to Council two copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, details of all public infrastructure created as part of the works, including certification that the design meets all relevant Australian Standards and Council specifications from an engineer with relevant industry experience.

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

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

#### 17. **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)

**18. 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 like.
- 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) 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 qualified civil engineer.

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

**19. 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 CTMP. 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 CTMP.

The following matters must be addressed in the CTMP:

- 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)

**20. 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)

**21. DACCF03 - Landscape Plan**

A landscape plan prepared by a qualified landscape architect or landscape designer to a scale of

1:100 or 1:200, is to be submitted with the relevant Construction Certificate application to the satisfaction of the Council or registered certifier. The landscape plan is to accord with the approved Landscape Concept Plan/s and satisfy the relevant conditions of this consent. Certification from the landscape architect or landscape designer that the landscape plan complies with this Development Consent is to be submitted to the Council or registered certifier prior to the issue/release of the relevant Construction Certificate.

The plan must include the following information:

- a) the location of all existing and proposed landscape features including materials to be used;
- b) delineate and identify all trees to be retained, removed or transplanted;
- c) existing and proposed finished ground levels;
- d) top and bottom wall levels for both existing and proposed retaining walls and free standing walls;
- e) proposed locations of stormwater pits and on site detention locations; and
- f) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. At least 50% of the tree and shrubs shall be species native to the region.

Consideration within the design shall be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development. The plan shall propose a combination of tree planting for shade, mid height shrubs, lawn and ground covers.

(Reason: Landscape quality)

## **22. DACCF08 - Tree Planting**

Minimum standards for soil areas and depths are to be in accordance with the following table:

<b>Tree Size</b>	<b>Height</b>	<b>Spread</b>	<b>Min Soil Area</b>	<b>Min Soil depth</b>
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

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

## **23. DACCF09 - Sight Distance**

To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of the driveway at the street front boundary shall have a maximum height of 1.0m and 50% transparency above a height of 0.5m. All solid posts higher than 0.5m shall have a maximum width of 350mm and a minimum spacing of 1.2m.

(Reason: Safety)

## **24. DACCG03 - Off Street Car Parking -**

At least 118 car spaces shall be provided on the development (lease and licence area) site.

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 to and approved by the Council or registered certifier prior to

the issue of the relevant Construction Certificate.

(Reason: Parking and access)

**25. 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 a minimum laden weight of 24 tonnes. Details shall be submitted to and approved by Council or registered certifier prior to the issue of the relevant Construction Certificate.

(Reason: Adequate access and egress)

**26. 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 2.5m within the site or splayed 2 metre wide by 2.5 metre deep to provide satisfactory sight lines. Details are to be submitted to Council or Registered Certifier prior to the issue of the relevant Construction Certificate showing compliance with this condition.

(Reason: To maintain traffic sight distance and ensure pedestrian safety)

**27. DACCG11 - Stop Signs**

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

(Reason: Adequate access and egress)

**28. DACCI03- Substation /Fire Hydrant Boosters**

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

(Reason: Streetscape amenity)

**29. DACCJ01 - Detailed Stormwater Drainage System Design**

Prior to the issue of the relevant 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 engineering policies. The plan shall be submitted and approved by the Council or registered certifier.

Note: Where the proposed design extends within the public road area, separate approval under s.138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

The stormwater plan shall be in accordance with the stormwater plan prepared by Richmond & Ross Pty Ltd, Drawing Numbers 230007C100 to C108, C600To C602, Revision "C" dated 05/10/2023, and address the following issues.

- a. The eaves, roof gutter and downpipe system shall be designed to convey the 5-minute duration 5%AEP storm event into the On-Site Detention (OSD) system but require that overflows be conveyed to the OSD basin via underground stormwater network .
- b. The area bypassing the OSD system shall not exceed 15% of the site area.
- c. The area bypassing the OSD system shall not exceed 15% of the site area , i.e., sub catchment/ development area associated to the respective OSD system. Appropriate measure shall be incorporated to comply with this requirement.
- d. All the runoff from the site must be directed to the High flow bypass chamber (i.e., High flow diversion pit located at the upstream side of the water quality treatment system). In this regard, the surface runoff from the "Drop off zone" shall also be directed to the treatment system. The overflow from the high-flow bypass chamber shall be directed into the HED control pit/ chamber of the OSD system. In circumstances, where the land profile does not allow the run-off to be directed to the High flow bypass chamber/OSD system that area can bypass the OSD system, however that area shall not exceed 15% of the catchment area.

- e. the outflow from the water quality treatment system and OSD system shall be disposed by gravity onto the appropriate council's stormwater system. this shall take account of the tail water level at the point of disposal, i.e., the 1%AEP flood level at the point of disposal on to the public drainage system.
- f. The OSD basin shall incorporate a High Early Discharge (HED) control pit/chamber if 1.2m x1.2m size, in order to achieve high early discharge, and for the OSD system to function efficiently. (The HED control pit is required to achieve the high early discharge for efficient functioning of the system and reduce the quantity of flow to be detained at the early stage of the storm event).
- g. The top grate surface level of HED chamber shall be located at a level (approx.RL38.65m), such that the HED weir overflow on to the OSD storage area, will have the weir water surface level lower than OSD overflow weir level, and that the HED weir flow depth will be lower than the level difference between HED weir and the overflow weir level.
- h. The stormwater layout plan must show the grate/surface level and the invert level and the size of the of the pits adjacent to the pit.
- i. The last boundary pit or the junction pit within the site, i.e., the one at the upstream side of street kerb inlet pit, shall be converted into a sediment trap pit with a 200 mm sump below the invert level of the outlet pipe.

Water Sensitive Urban Design (WSUD)/ Water quality treatment system

- j. The weir overflow level of the High Flow bypass chamber (diversion pit), located at the upstream side of the Bio retention basin, shall be lowered by 0.05metres to RL39.00mAHD to prevent the ponding water within the Bioretention being spilled /overflown through the emergency overflow weir unnecessarily.
- k. Amendments requirements as annotated in red on the marked-up plan shall be incorporated.

The amended plan shall be submitted to the register certifier for approval together with the application for the relevant construction certificate.

(Reason: Stormwater management)

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

Prior to the issue of the relevant Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

**31. 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 the Council or registered certifier. Details are to be submitted with the relevant Construction Certificate application.

(Reason: Environmental protection)

**32. DACCJ09 - Stormwater Connection to Public Drainage System within property**

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

(Reason: Protection and maintenance of Council assets)

**33. DACCK05 - Salinity**

This site has been identified as having a potential salinity hazard. To prevent moisture / salinity from

entering the built structure, appropriate construction measures are to be incorporated for all buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted with the relevant Construction Certificate application.

(Reason: Ensure appropriate construction methods are used)

**34. 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 the relevant Construction Certificate application.

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

**35. DACCL05 - Compliance with Acoustic Report**

Prior to the issue of the relevant Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by Day Design Pty Ltd dated 28 September 2023 reference 5617-1.1R Rev B.

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

**36. DACCM01 - Food Premises - Detailed Plans**

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*. A copy of these plans must be submitted to and approved by Council or the registered certifier as being compliant with the required standards prior to the issue of the relevant Construction Certificate.

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

**37. DACCM02 - Food Premises - Waste Storage Area**

To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 - Design, Construction and Fit-out of Food Premises*, *Australia New Zealand Food Standards Code 3.2.3 - Food Premises and Equipment* and must be:

- a) Suitably sized to contain all waste and recyclable material;
- b) Provided with a hose tap connected to the water supply;
- c) Paved with impervious floor materials;
- d) Coved at the intersection of the floor and walls;
- e) Graded and drained to a waste disposal system in accordance with the requirements of Sydney Water;
- f) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997*;
- g) Fitted with appropriate interventions to meet fire safety standards in accordance with the *National Construction Code*;
- h) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling; and
- i) Appropriately managed so that it does not attract pests or create litter.

Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Council or registered certifier prior to the issue of the relevant Construction Certificate.

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

**38. DACCM03 - Mechanical Ventilation - Certification of Compliance**

Details of any mechanical ventilation and / or air handling system must be prepared by a suitably

qualified person and certified in accordance with clause A2.2 (a) (iii) of the National Construction Code, to the satisfaction of the Council or registered certifier prior to the issue of the relevant Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

**39. DACCZ01 - Bond for Registration of positive covenant and restriction for OSD, and Water Quality Treatment System (WSUD)**

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

(Reason: To ensure compliance with the requirements)

**40. DACCZ02 - Flood Impact Assessment and Risk Management Measures**

Flood impact assessment and risk management study shall be carried out with the focus on the reciprocal flooding impact specific to the subject development including the matters related to the flood risk, and appropriate management measures shall be implemented demonstrating that the subject development is free from the adverse flooding impact due to the overland flood, that the and the subject development has minimal impact to the flood and the flooding impact to the surrounding area.

In this regard,

- a. the flood impact assessment and risk management measure, and the flood model (if model is used) results shall demonstrate that the development prevents to rise the flood level exceeding 10mm, velocity, or depth, or increase flood inundation area, or magnitude of hazard within the neighbouring properties including the proposed new road. Any rise in flood level exceeding 10mm tolerance, or increase in inundation area wider than existing one, are not acceptable. In addition, the flood path must be clear of any obstructions.
- b. The flood impact and risk assessment (study) at critical locations such as the area closer to the overland flow path, and the vicinity including the proposed buildings and access to the buildings, parking area, medical emergency vehicle access etc. shall be considered in the study.
- c. The above flood model output parameters at critical locations shall be provided in tabular format and appropriate measures to manage the risk shall be enumerated.
- d. The study/analysis shall be carried out for 1% and 5%AEP flood events.
- e. The pedestrian and vehicular access to and from the proposed development, including emergency vehicular access, are not cut off during 1% and 5%AEP flood events.
- f. The habitable areas and non-habitable areas of the development shall have sufficient freeboard over the flood level during 1%AEP flood level. The freeboard height provided shall be justified as being accounted for the uncertainty of the flood rise including the wave action of the flood, and it shall be certified by the flood engineer as being sufficient to prevent the flood from entering into habitable areas/ non-habitable areas. In addition, all electrical power points, electrical components, plant and equipment, shall be located 500mm above 1%AEP flood level.
- g. Documents including the flood report, flood models (hydrological and hydraulic models), model results and the analysis report shall be provided to the satisfaction of the principal certifier. A copy of the documents including the flood engineer's certificate shall also be submitted to the council for record.

(Reason: Flood risk and impact management)

**41. DACCZ03 - Unobstructed vehicular access and pedestrian access during flooding event**

Appropriate Flood Risk Management measure shall be implemented to provide unobstructed vehicular access and pedestrian access to the development site from the adjoining road during the 5%AEP and 1%AEP flood event.

(Reason: Flood risk and impact management)

**42. DACCZ05 - Survey investigation to establish the depth and level of the Existing public stormwater pipe**

Appropriate survey investigation such as any accepted procedures of detailed investigation survey shall be carried out by a suitably qualified practicing registered surveyor to establish and confirm the condition, location, depth, size, and invert and obvert levels of the existing stormwater pipe/conduit at the point of proposed connection of stormwater outlet pipe from the proposed development.

(Reason: To ensure appropriate design and standards are maintained)

**43. DACCZ06 - To ensure appropriate design and standards are maintained**

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

Prior to preparation of the drawings, the invert level of the existing public stormwater pipe at the point of connection shall be established by the surveyor with the appropriate survey investigation measure and the level shall be plotted on the survey investigation plan.

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

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

**44. DACCZ07 - Driveway Width Requirements**

The vehicular crossing shall be at least 14.5metres wide at the crossing and tapered to 9.5metres wide in 12metre run within the nature strip in accordance with the Swept path layout clearance diagram prepared by Stantec (*Drawing number 300304107-01-03 sheet 03 of 05 of the Traffic Impact Statement report*). The internal driveway shall have a clear width of at least 9.5metres inside the property to allow vehicles in opposite direction to pass through. The entry and the exit lane shall be separated by continuous lane separation double line mark with the one-way directional arrow on each lane as shown on the approved plan, to prevent the incoming vehicles overrunning into the exit lane and prevent collision. The building plans shall indicate compliance with this requirement prior to the issue of the relevant Construction Certificate.

In addition, the internal road shall be designed and constructed in accordance with the requirements of AS2890, Council's policy, and design guidelines, and to the satisfaction of Council Engineering Section.

(Reason: To ensure appropriate vehicular access and compliance with Australia Standards)

**45. DACCZ08 - Internal vehicular circulation management system**

Appropriate internal traffic circulation and management system comprising of line marking and signs on the pavement, traffic sign, etc. shall be designed and installed at each critical location where the turning is required, and line of sight is critical.

(Reason: To improve traffic circulation and safety)

**46. DACCZ09 - Water Sensitive Urban Design (WSUD)/ Water Quality measures**

In accordance with the water quality objective and control under section 2.7 and 2.5 (Table 5) of Cumberland DCP2021 Part G4, appropriate Water quality measures / Water Sensitive Urban Design Measures (Water Quality measures) shall be employed as a part of Site Stormwater Management) to achieve the water quality target set out. A WSUD strategy / measure shall be

incorporated into the stormwater management plan. Details shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate. In addition, the following shall be addressed.

- a. Demonstrate compliance with Council's approved stormwater plans.
- b. The Water quality target as set out in the Table 5 shall be achieved.
- d. A regular minor and major maintenance schedule shall be implemented.
- e. Amendments as marked in red as shown on the marked-up plan.

(Reason: To ensure appropriate stormwater management.)

**47. DACCZ10 - Proposed Road Network**

The proposed building structures must have vehicular access from the existing Street or road network. In this regards, the internal road networks shall be constructed to provide vehicular access to each of the building. The detail design shall be designed by a qualified practicing Civil engineer in accordance with the Council's DCP and design guideline and policy, Australian Standards, and AUSTRROAD guidelines, and submitted to the satisfaction of Council's Engineering Section. The following shall be complied.

- a. Final boundary levels, and location and connection type at the connection to the existing public road shall be approved by relevant Authority. A detail and long section shall be provided at the connection and include the public road and footpath profile, with relevant levels and dimensions shown.
- b. The road network throughout the development shall be designed by a suitably qualified practicing Civil Engineer. Pavements shall be based upon soil tests performed by a registered N.A.T.A Soils Laboratory. The Road pavement shall be designed to Council's adopted standards and anticipated vehicle loadings for the development including heavy vehicles (e.g., buses and garbage and delivery).

The pavement and designs plus traffic loadings and associated Geotechnical report for the proposed roadways detailing the strength of the existing sub-grade, design of the proposed road pavement and pavement construction requirements, shall be provided.

- c. Final design shall be submitted to Cumberland Council for approval and the approved plans shall be incorporated with the relevant Construction Certificate.
- d. The Roads within the development shall be designed to accommodate access by bus as well.
- e. Lighting is required for the internal roads and community areas and shall be designed by a suitably qualified person. Design plans for lighting shall be forwarded to the responsible utility authority for lighting for approval, and shall be generally in accordance with AS 1158. The proposal shall include details of all lighting fixtures etc.

All the design and documents shall be submitted to the satisfaction of the principal certifier.

(Reason: To comply with the Road network provisions)

**48. Retirement of ecosystems credits**

Prior to issue of a construction certificate the class and number of ecosystem credits in Table 5-2 of the Biodiversity Development Assessment Report by Fraser Ecological Pty Ltd dated 7 October 2023 must be retired to offset the residual biodiversity impacts of the development.

(Reason: Ensure compliance with BOS)

**49. Payment into Biodiversity Conservation Fund**

The requirement to retire credits in condition 48 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)

**50. Supply evidence of credit retirement to consenting authority**

Evidence of the retirement of credits and payment to the Biodiversity Conservation Fund in satisfaction of condition 48 and 49 must be provided to the consenting authority prior to commencement of issue of construction certificate.

(Reason: Ensure compliance with BOS)

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

### **51. DAPCA01 - Appointment of Principal Certifier**

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

- a) A relevant Construction Certificate for the building work has been obtained.
- 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.

(Reason: Statutory requirements)

### **52. DAPCA03 - Site Safety Fencing**

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and shall be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)

### **53. DAPCA04 - Principal Certifier Sign**

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

- a) shows the name, address and telephone number of the Principal Certifier;
- b) 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.
- c) 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)

### **54. 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)

**55. 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)

**56. DAPCA08 - Footpath Design Levels**

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

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

(Reason: Public infrastructure)

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

Before any new vehicular crossing, public footpath, kerb or guttering work is commenced, the applicant must lodge and have approved by the Council an 'Application for Private Construction of Vehicular Crossing and Road Works'. In respect of driveway setbacks, a minimum 1.0m setback from the property boundary shall be provided.

(Reason: To ensure appropriate vehicular access, suitable street drainage and pedestrian amenity is achieved)

**58. 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)

**59. 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	TPZ(M)	SRZ(M)
<i>Trees identified in the report as' T1-9,T25,T26,T30-40,T43-46,T65-67,</i>	Within subject site	Refer to Arboricultural	

<b>T69, T84, T95-96, T106, T108, T113, T115, T119, T125, T173, T183-184, T193-194, T201, T203-204, T213-214, T228, T234-237, T240-245, T248-256, T262-269, T274-276, T282-283, T288, T293, , T299, T302, T305-307, T309, T311, T313-315, T325, T327-329, T332-355, T357-389</b>		impact assessment by Urban Tree Management 15th September 2023.	
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The fencing must extend as per the measurements in the above table beyond the trees' trunk, be at least 1.8m high, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected.

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

(Reason: Protection of trees to be retained)

#### **60. DAPCZ01 - Installation of habitat boxes**

Any trees with hollows from clearing areas (within the proposed development) are to be salvaged and relocated within the subject site. If adequate hollows cannot be salvaged, then nest boxes can be installed as an alternative. Nest boxes of various sizes should be installed in order to cater for different native species. Nest boxes will be installed at a ratio of 4:1, resulting in four nest boxes to provide supplementary habitat for every hollow tree removed.

(Reason: Provide supplementary habitats)

### **Conditions which must be satisfied during any development work**

#### **61. 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)

#### **62. DADWA02 - Dust Control**

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

- a) Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
  - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
  - Dust must be suppressed by means of a fine water spray. Water used for dust

- suppression must not be contaminated or allowed to enter the stormwater system.
- Soil and material stockpiles are to be kept damp or covered.
- Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
- Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

**63. 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)

**64. DADWA05 - Construction Management Plan**

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

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

(Reason: Compliance with condition of consent)

**65. 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)

**66. 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) 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 for the full width of the entrance area.
- b) No blasting is to be carried out at any time during construction of the building.
- c) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- d) 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.
- e) Any demolition and excess construction materials are to be recycled wherever practicable.
- f) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- g) 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*.
- h) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
- i) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
- 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) 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.
- l) 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.
- m) 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 protection to public spaces and prevent unauthorised access to the site)

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

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

**68. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

**69. DADWA12 - Compliance with the Noise Management Plan**

All demolition, excavation and construction works carried must be carried out in accordance with the approved Noise Management Plan.

(Reason: To protect residential amenity)

**70. 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. 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, 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)

**71. 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.

Note: 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)

**72. 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 to ensure tree protection conditions of this consent and recommendations of the endorsed arborist report are complied with throughout the duration of development works. 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 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)

**73. 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)

**74. DADWB08 - Removal of Trees**

The following trees are approved for removal:

Species	Location
<i>Trees identified in the report as' 24, 27, 28, 29, 41, 42, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 99, 100, 101, 102, 104, 111, 112, 114, 116, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 175, 176, 177, 178, 179, 180, 187, 188, 189, 190, 191, 192, 195, 196, 197, 198, 199, 200, 202, 218, 219, 227, 230, 232, 279, 285, 287, 292, 303, 304, 308, 356, 390, 11, 12, 62, 64, 83, 94, 97, 98, 103, 105, 107, 109, 110, 117, 118, 126, 127, 128, 129, 135, 168, 169, 170, 171, 172, 174, 179, 181, 182, 185, 186, 205, 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 220, 221, 222, 223, 224, 225, 226, 227, 229, 231, 233, 234, 238, 239, 246, 247, 257, 258, 259, 260, 261, 270, 271, 272, 273, 277, 278, 280, 281, 284, 286, 287, 289, 290, 291, 294, 295, 296, 297, 298, 300, 301, 310, 312, 316, 317, 318, 319, 320, 321, 322, 324, 326, 330 and 331.</i>	Within subject site

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

**75. 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)

**76. DADWC02 - Compliance with the National Construction Code**

All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed statutory control)

**77. DADWC04 - Survey Report - Development of Two storeys or Less**

In order to ensure compliance with approved plans, a survey certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- The level of the upper floor and its relationship to boundaries prior to the placement of structural elements.
- The relationship of the building to the boundaries at completion.

Progress certificates in response to the above shall be produced to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal portions of the building higher than approved levels or closer to boundaries than what was approved.

(Reason: To ensure compliance with approved plans)

**78. DADWC07 - Switchboards/Service Panels**

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

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

**79. DADWC08 - Anti-Graffiti Coatings**

The external fabric of the building shall utilise anti-graffiti coatings.

Reason: To minimise the opportunity for graffiti)

**80. 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)

**81. DADWC12 - Food Premises - Design, Construction and Fitout of Food Premises**

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

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

**82. 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)

**83. 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)

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

The following critical stage inspections must be carried out:

- a) after the commencement of the excavation for, and before the placement of, the first footing;
- b) prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work;
- c) prior to covering the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;
- d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The 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 requirement)

**85. DADWD06- 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 requirement)

**86. DADWZ01 - Inspection of Works (Stormwater Connection to Public Infrastructure)**

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

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

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

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

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

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

The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with

Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

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

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

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

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

#### **88. DAOCA01 - Occupation Certificate**

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. Before issuing an Occupation Certificate, the Principal Certifier must be satisfied that:

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

(Reason: Statutory requirement)

#### **89. 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)

#### **90. DAOCA08 - Certification of Engineering Works**

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

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

The abovementioned Certificate is to certify the followings:

- a) the stormwater drainage system, and/or
- b) the car parking arrangement and area including circulating ramps, and/or
- c) any related footpath works, and/or
- d) the basement mechanical pump and/or
- e) the proposed driveway and layback, and/or
- f) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

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)

**91. 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;
- b) construct a new vehicular crossing;
- c) remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.
- d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

**92. DAOCB01 - Mechanical Ventilation - Compliance**

Prior to issue of an Occupation Certificate, certification must be provided that the mechanical ventilation system has been designed, installed and is operating in accordance with the *National Construction Code 2019*.

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

**93. DAOCB04 - Acoustic Verification Report**

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant, being a consultant who holds current member grade of the Australian Acoustical Society, 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 Day Design Pty Ltd dated 28 September 2023 reference 5617-1.1R Rev B have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

(Reason: To protect residential amenity)

**94. 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)

**95. DAOCF01 - Landscape Works**

Prior to the issue of an Occupation Certificate all landscaping/tree planting works are to be

completed to a professional standard in accordance with the approved landscape plan/s.  
Certification of completion of the landscape/tree planting works in accordance with the approved plans and relevant conditions of this consent from the landscape designer or a similarly qualified person, not being the installer of the works, is to be provided to the Principal Certifier.

(Reason: Landscape certification)

**96. DAOCG01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a qualified practising civil engineer as being in accordance with Council's Development Control Plan and engineering policies.

(Reason: Adequate stormwater management)

**97. DAOCG02 - Noise Limiter**

Prior to commencement of use:

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

(Reason: To protect residential amenity)

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

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

(Reason: Compliance and adequate maintenance of drainage system and to ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems)

**99. 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 system that advises the registered proprietor of their responsibility to maintain the 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 on-site stormwater detention system)

**100. DAOCH09 - Certificate of Compliance**

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

(Reason: Protection of public asset)

**101. DAOCH14 - Telecommunications/ TV Antennae**

No more than one telecommunications / TV antenna is to be installed to the building. Satellite dishes, telecommunications antenna and other ancillary facilities shall be located away from the primary street frontage and incorporated into the overall building design.

(Reason: To prevent the proliferation of telecommunications/TV antennae)

**102. DAOCZ01 - Vehicular access and parking requirements**

Prior to issue of occupation certificate, the principal certifier shall be ensured that the following requirements are complied.

Parking space dimensions and aisle width

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

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

**103. DAOCZ02 - Maintenance Schedule for On-Site Detention (OSD) Stormwater System and Water Quality Treatment System**

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

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

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

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

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

**105. DAOCZ04 - Amended Plan of Management**

Prior to the issue of an Occupation Certificate, the applicant shall submit an amended Operational Management Plan for Council's approval that incorporates the following:

- A Traffic Management Plan for special events that may occur on the premises.
- An Evacuation and Emergency Management Plan to ensure the safety of staff and visitors.

The amended details above shall be incorporated in the Operational Management Plan referenced in condition 113 of this consent.

(Reason: To protect residential amenity)

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

**106. DAOUA07 - Deliveries**

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 6:00am or after 10:00pm on weekdays and before 7:00am or after 6:00pm on weekends and public holidays.

(Reason: To control noise impacts)

**107. 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: Ensure arrangements are in place for collection of business/trade commercial waste and recyclables)

**108. DAOUA11 - Flashing Lights**

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

(Reason: Environmental protection)

**109. DAOUA14 – Hours of Business Operation**

The hours of operation to the Maori Cultural Centre are restricted to between:

- 8:30am to 5:30pm on Mondays to Fridays, excluding public holidays.

The following hours of operation are restricted as follows:

Uses	Days	Hours
Primary Event Facility (Whare Nui)	Monday to Sunday	7:00am to 10:00pm
Dining Hall and Event Facility (Whare Kai)	Monday to Sunday	7:00am to 10:00pm
Educational Facility (Whare Kura)	Monday to Sunday	7:00am to 10:00pm

(Reason: To minimise amenity impacts for nearby land)

**110. DAOUA19- Lighting Nuisance**

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is prohibited.

(Reason: Environmental amenity)

**111. 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)

**112. DAOUA24 – Capacity of community facility**

A sign shall be erected in a prominent position in the building/premises stating the maximum number of patrons permitted shall be no more than 250 guests on site at any one time.

(Reason: Compliance)

**113. DAOUA26 – Plan of Management**

The use shall be operated and managed in accordance with the Plan of Management (Operational Management Plan (OMP) for the Sydney Cultural Maori Cultural Centre, prepared by Sydney Marae Alliance and undated. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

**114. DAOUA33 – Use of the buildings/structures**

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

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

**115. 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)

**116. DAOUC14 – General Noise Emission Criteria**

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 (Npfl). Background noise monitoring for the purpose of ensuring compliance with the Npfl must be carried out in accordance with the long-term methodology in Fact Sheet B of the Npfl.

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.

Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the Npfl.

(Reason: To protect residential amenity)

**117. DAOUC16 – Entertainment Noise Emission Criteria**

Noise from entertainment sources at the premises (music and patrons) must comply with the following:

- a) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB(A) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- b) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any octave band centre frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that octave band centre frequency shall be used instead.
- d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.

The LA10, 15 minute noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the processes listed in the NSW Noise Policy for Industry (2017) and relevant requirements of AS1055.1997.

(Reason: To protect residential amenity)

**118. DAOUC18 – No speakers or Amplified Sound Equipment Outside**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

**119. DAOUC19- Waste Management Plan**

The storage, handling and disposal of waste and recyclable materials generated on the premises

must be carried out in accordance with the approved Waste Management Plan prepared by Foresight Environmental, dated 15 May 2023. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

**120. DAOUD02- Landscape Maintenance – General**

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

(Reason: Safety and landscape amenity)

**121. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**122. DAOUF02 - Control of Noise**

A clearly visible sign shall be placed immediately adjacent to the entry/exit doors indicating that patrons are to leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest)

**123. DAOUF05 - Patron Behaviour - Security Staff**

Management of the premises must ensure that patrons leaving the premises do so in an orderly manner so as not to detrimentally affect the amenity of the neighbourhood.

(Reason: Amenity, health and safety)

**124. DAOUF06 - Protection of Neighbour Amenity at Closing**

An announcement shall be made at the cessation of the entertainment that patrons shall leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

(Reason: Public interest)

**125. DAOUZ01 - Compliance with Acoustic Report - Ongoing Use**

All recommendations contained in the DA acoustic report prepared by Day Design Pty Ltd dated 28 September 2023 reference 5617-1.1R Rev B. relating to use and/or management of the site must be implemented and complied with.

(Reason: to ensure acoustic impacts of the development are controlled.)

**126. DAOUZ03 - 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)

**127. DAOUZ04 - Car Parking space for visitor use**

All the car parking spaces allocated for visitors use (within the licence area) must be numbered, signposted, and continue to be made available for the use by the visitors and/or the general public.

(Reason: To facilitate parking spaces for visitor's use)

**128. DAOUZ05 - After hours use**

This consent does not grant approval for staff or patrons to remain on the premises overnight or outside of the approved hours of operation listed in condition number 109.

(Reason: Clarify the terms of approval)

**Advisory Notes**

**129. 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 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 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 Before You Dig service in advance of any construction or planning activities.

(Reason: Advisory)

**130. 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.

(Reason: Advisory)

**131. 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 or 4.56 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 unless and until a modified consent is issued.

(Reason: Advisory)

**132. 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.

(Reason: Advisory)

**133. 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.

(Reason: Advisory)

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

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

(Reason: Advisory)

**135. 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: Advisory)

**136. DAANN22 - Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work.

Construction work may only commence upon the issue of the relevant Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

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

(Reason: Information)