

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2023/0485
Applicant:	A Rahhal PO Box 4081 STRATHFIELD SOUTH NSW 2136
Property Description:	5 and 7 Mcleod Road MERRYLANDS NSW 2160 Lot 10 in DP 1305248, Lot 11 in DP 1305248
Development:	Public domain and civil works including a public open space areas, public art, water feature and associated landscaping
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
2022035 PD-LD-DA-000 Rev 4	Cover sheet & Design Statement	Landform	15/07/2024
2022035 PD-LD-DA-001 Rev 4	Planting Schedule & Legends	Landform	15/07/2024
2022035 PD-LD-DA-100 Rev 4	Landscape Precinct Plan	Landform	15/07/2024
2022035 PD-LD-DA-101 Rev 4	Landscape General Arrangement Plan 1	Landform	15/07/2024
2022035 PD-LD-DA-102 Rev 4	Landscape General Arrangement Plan 2	Landform	15/07/2024
2022035 PD-LD-DA-103 Rev 4	Landscape Detailed Areas	Landform	15/07/2024
2022035 PD-LD-DA-400 Rev 4	Site Sections 1	Landform	15/07/2024
2022035 PD-LD-DA-401 Rev 4	Site Sections 2	Landform	15/07/2024
2022035 PD-LD-DA-402 Rev 4	Site Sections 3	Landform	15/07/2024
2022035 PD-LD-DA-900 Rev 4	Typical details & outline specification	Landform	15/07/2024
-	Public Art Report	Graham Chalcroft /Vertebrae	16/07/2024
-	Preliminary Environmental Site	Environmental Consulting Services	27/10/2022

	Investigation (Rev 1)		
-	Detailed Site Investigation (Rev 2)	Environmental Consulting Services	17/01/2023
	Remediation Action Plan (Rev 1)	Environmental Consulting Services	20/01/2023
	Detailed Site Investigation and Remediation letter	Environmental Consulting Services	19/08/2024
CNR-59950	Attachment A	Transport for NSW - Sydney Trains	26/09/2023
CNR-59931	Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral	Endeavour Energy	12/09/2023
-	Crime Prevention through Environmental Design (CPTED)	NSW Police _ Cumberland Police Area Command	13/09/2023

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

3. **DAGCF01 - Surface Runoff**

Allowances shall be made for surface runoff from adjacent properties and to retain existing surface flow path systems through the site. Existing surface water flows from upstream properties shall not be diverted or treated in a manner that results in adverse effects for any other property.

(Reason: To prevent adjoining properties from being adversely affected by existing surface water flows)

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

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)

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

5. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the Council or registered certifier (for points c-f below) and Council's Executive Manager Environment and Planning Systems (for points a-b below) prior to the issue of a Construction Certificate incorporating the following matters:

- a) Submission of an updated Landscape Plan and associated details that are consistent to Council's Public Domain Plan - Merrylands Town Centre, for all proposed streetscape embellishment works including but not limited to:
 - i. Paving;
 - ii. Street Planting; and
- b) The landscape plan shall detail the street lighting and lighting locations throughout the Park.
- c) No approval is granted for the removal of trees or any works including public domain plans on 2-6 Gladstone Street, Merrylands. The plans shall be amended to delete any reference to tree removal and public domain works on the adjoining site.
- d) No approval is granted for the removal of trees on site, the plans shall be amended to remove any reference to tree removal.
- e) No approval is granted for awnings to overhang into the RE1 portion of the site from 'Site 1' and 'Site 2', the plans are to be amended to remove any reference to these awning overhangs.
- f) A Waste Management Plan shall be submitted detailing how the site preparation, any demolition and construction phases of the development will be managed.

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

6. 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)

7. DACCA03 - Disabled Access & Facilities

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

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

8. DACCA04 - Works within Boundary

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

(Reason: To ensure protection of adjoining properties)

9. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$12,580.96 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

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

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

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

11. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	\$12,580.96	Prior to CC
Construction Traffic Management Plan	\$393.00	Prior to CC
TOTAL	\$12,973.96 + 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)

12. DACCC02 - Protection of Public Places

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

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

(Reason: Public safety)

13. 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 5 and 7 Mcleod Road, Merrylands including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges 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 5 and 7 Mcleod Road, Merrylands 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)

14. 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)

15. 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)

16. 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)

17. DACCI01 - S7.4 Planning Agreement

In accordance with section 7.7(3) of the *Environmental Planning and Assessment Act 1979*, prior to the release of a Construction Certificate, a planning agreement must be entered into that is consistent with the offer to enter into a planning agreement dated 25 January 2024 and considered by Council at its meeting of 7 February 2024.

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

18. 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)

19. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed stormwater drainage plan for the safe disposal of stormwater from the site shall be prepared in accordance with Council's Development Control Plan and 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.

(Reason: Stormwater management)

20. DACCJ03 - Certification of the Stormwater Drainage System Design

Prior to the issue of a 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)

21. DACCL10 - Site Audit Statement

Prior to the issue of any Construction Certificate associated with the building works, excluding work directly relating to remediation, a Section A Site Audit Statement must be obtained from a NSW EPA Accredited Site Auditor.

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that the site is suitable for the proposed use.

In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council. This may necessitate lodgement and approval of a s4.55 modification of consent application.

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

22. DACCO03- Hydraulic Engineering Design Verification

Written verification from suitably qualified hydraulic engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood report including any recommended flood mitigation measures and that the development will have no adverse impact on flood levels for adjoining properties.

(Reason: To ensure a suitable design that will achieve reasonable levels of safety during flood events without impacting upon adjoining properties)

23. DACCZ01 - Service relocation / Adjustment

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

(Reason: to protect utility services)

24. DACCZ02 - Flood report

Updated flood report addressing following shall be submitted to and approved by Cumberland Council's Executive Manager City Planning and Development.

- a) Flood report and modelling shall be updated with the current plans.
- b) The report shall clearly specify the civil works within the parks are incorporated in the model/report.
- c) The report shall address the controls for flood risk precinct nominated in the Appendix (page 6) of the Council's Flood Risk Management Policy (CFRMP).
- d) The report shall ensure that the development has no adverse impact on flood levels and/or adjoining properties.
- e) Flood levels shall not increase more than 10mm outside the development site.

The electronic copy of the modelling shall be submitted.

(Reason: to ensure development complies with CFRMP and flood report is updated)

25. DACCZ03 - Updated Civil works plans

Updated Civil works plans addressing following shall be submitted to and approved by Cumberland Council's Executive Manager City Planning and Development.

- a) Safety fences shall be incorporated as required.
- b) Work extend shall be annotated clearly on the plans.
- c) Existing levels shall be updated to incorporate the recent changes in the proposed design.

(Reason: to ensure design is updated with necessary changes)

26. DACCZ04 - Consent for the works within the easements

Written consents from the beneficiaries of easements within the site shall be obtained for the proposed works within all the affected easements.

The above documents shall be submitted to and approved by Council or registered certifier.

(Reason: to ensure works does not conflict with the use of easement)

27. DACCZ05 - Connection to Council's stormwater system - design

Detail design for the proposed modification to Council's stormwater system and connection to existing Council's stormwater pipe shall be submitted to and approved by Cumberland Council's Executive Manager City Planning and Development. In this regard,

- a) Existing Council's stormwater pipes shall be annotated on the plans.
- b) Longitudinal section of the existing/proposed stormwater pipes and the stormwater connection details to the existing stormwater pipe within the Council land, showing the exact depth and location of all the services within the area of the proposed works shall be submitted.
- c) Service search details shall be submitted.
- d) Depth of the Council pipe shall be verified and annotated on the plan.

Note: The documents shall be submitted shall be submitted to Council as part of "Application for Assessment and Approval of Street drainage / Public Domain Design Plans". The application is available in following Council link:

<https://www.cumberland.nsw.gov.au/sites/default/files/inline-files/application-for-assessment-and-approval-of-street-drainage-public-domain-design-plans-2023.pdf>

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

28. DACCZ06 - Play Equipment

All play equipment must be supplied and installed by a reputable Australian play equipment supplier in accordance with relevant Australian Standards, structural engineering, and manufacturer's recommendations. A supplier play equipment plan is to be approved by Council's Public Spaces Design and Planning Team, prior to the issue of the Construction Certificate.

(Reason: to ensure safety and compliance with relevant Australian Standards)

29. DACCZ07 - Play Equipment Certification

The applicant must submit certification, by a registered play equipment certifier, demonstrating that all supplied and installed play equipment complies with Australian Standards, as well as provide manuals and warranties, expected lifespan, recommended maintenance regime, parts replacement details and any unique anti-vandal tools, prior to the issue of the Construction Certificate.

(Reason: to ensure compliance with the relevant Australian Standards)

30. DACCZ09 - Maintenance Plan

A Maintenance Plan shall be submitted to Council which itemises all new assets, asset values, product codes and new asset contact details, play equipment and soft fall supplier details for all play equipment and product warranties, replacement parts and components, public art copyright owner contact details, schedule of typical maintenance duties and recommended schedules for routine maintenance, for the ongoing routine maintenance of the public open space area, prior to the issue of the Construction Certificate.

(Reason: On-going maintenance schedule and requirements)

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

31. DAPCA01 - Appointment of Principal Certifier

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

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

32. 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)

33. 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)

34. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

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

(Reason: Statutory requirement)

35. 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)

36. DAPCA08 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design with the Construction Certificate application by lodging an 'Application for Property Boundary Line Levels'. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the 'Application for Property Boundary Line Levels' fees are payable in accordance with Council's adopted fees and charges.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath meets the driveway.
- b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street.
- c) Any required adjustments shall be included in the plans and submitted for approval under Section 138 of the *Roads Act 1993* prior to the release of the Construction Certificate.

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

(Reason: Public infrastructure)

37. 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)

38. DAPCC01 - Salinity

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

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

39. DAPCD01 - Council Drainage Assets - Dilapidation Report

CCTV footage shall be submitted to Council to identify the pre-construction state of the Council's stormwater infrastructure. The footage shall extend 10m upstream and 10m downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage.

(Reason: Protection of Council assets)

40. DAPCZ01 - Drainage construction - Council's drainage

The connection to Council's pipe drainage system and the modification to Council's stormwater pit shall be completed to Council's satisfaction at no cost to Council. In this regard,

- a) A separate construction approval shall be obtained from Council's Engineering Section.
- b) Council's inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
 - i) After the excavation of culvert/pipeline trenches.
 - ii) After the laying of all culvert/pipes prior to backfilling.
 - iii) After the formwork for pits prior to pouring concrete.
 - iv) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

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

41. DAPCZ02 - Approval for works within downstream site

Written approval shall be obtained from the downstream site owner(s) for any stormwater works within the downstream site.

(Reason: to ensure written consent is obtained for any works within downstream site.)

Conditions which must be satisfied during any development work

42. 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)

43. 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)

44. 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)

45. 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)

46. 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)

47. 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)

48. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

49. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

50. DADWA14 - Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW EPA's *Waste Classification Guidelines*, Part1: Classifying Waste (2014). The materials must be transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and the requirements of their relevant classification.

(Reason: Environmental protection)

51. DADWA15- Importation of Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Validation shall take place by one or both of the following methods:

- a) Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material was sourced; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA's *Sampling design guidelines (2022)*.

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

52. 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)

53. DADWA19 - Excavation Pump-out

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

Department of Housing, Managing Urban Stormwater - Soils and Construction 2004.

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

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

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

(Reason: Environmental amenity)

54. 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)

55. 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)

56. 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)

57. 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)

58. DADWC16 - Waste Management

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

(Reason: Compliance with approval)

59. DADWC18 - Land Remediation (no auditor engaged)

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by Environmental Consulting Services Pty Ltd, revision 1 and dated 20.01.2023. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions or recommendations about site contamination must be

immediately notified to the Principal Certifier. Any required variations to the Remedial Action Plan must be documented and approved by a suitably qualified environmental consultant, with a copy of the documentation provided to Council.

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

60. DADWC19 - Sediment and Erosion Control measures

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

- a) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or waterways.
- b) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system shall take place prior to the fixing of the roof cladding.

The above measures are to be maintained at all times to the satisfaction of Council or 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)

61. DADWC20 - Dewatering

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

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

(Reason: To minimise/prevent impacts on waterways)

62. DADWD03 - Critical Stage Inspections - General

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

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

(Reason: Statutory requirement)

63. DADWZ01 - Inspection of Overland Flowpath

The overland flowpath works shall be inspected during construction, by suitably qualified professional Civil Engineer. Documentary evidence of compliance with approved flood report 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 the concept and the site conditions/constraints prior to commencement of the construction of Overland Flowpath.
- b) Prior to landscaping and/or pouring concrete within the overland flowpath area.
- c) Final inspection.

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

(Reason: to ensure overland flow path construction complies with approved flood report)

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

64. 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)

65. 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 development)

66. DAOCA08 - Certification of Engineering Works

Prior to use, the following documents must be submitted to the Accredited Certifier.

- a) A Certificate from a qualified practising professional Engineer under the appropriate professional category.
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor.
- c) The abovementioned Certificate is to certify that:
 - the stormwater drainage system, and/or
 - any related footpath works, and/or
 - the proposed driveway and layback, and/or

- 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 Codes relevant Standards and Council's Policies and Specifications.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the CCTV recording must be submitted.

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/use.

The above requirement shall be submitted to and approved by Council.

(Reason: Asset management)

67. 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:

- reconstruct sections of cracked or defective footpath along the full frontage of the site;
- reconstruct the existing public drainage pit/pipe system;
- construct a new vehicular crossing;
- 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)

68. DAOCB05 - Site Validation (no auditor engaged)

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

- Confirmation that the site has been remediated and validated in accordance with the recommendations set out within the Remedial Action Plan (RAP) prepared by Environmental Consulting Services Pty Ltd, revision 1 and dated 20.01.2023, and the guidelines that are in force from time to time under the *Contaminated Land Management Act 1997*.
- Detail any approved variations to the RAP made by a suitably qualified environmental consultant with a copy of the revised RAP provided to Council. Note: Where the variation alters the approved development consent plans, appropriate prior approval from Council must be obtained for the changes.
- Verification that the site is suitable for the proposed approved use with clear justification.

(Reason: Statutory Requirement)

69. DAOCB06 - Monitoring of Field Parameters

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

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

70. DAOCB07 - Site Audit Statement

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

- The Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor who has considered all aspects of the site investigation, remediation and validation works.
- The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan submitted with this application and clearly state that site is suitable for the proposed use.
- Where the Site Audit statement will be subject to conditions that require ongoing review by

Cumberland Council, these must be reviewed and approved in writing by Council before the Site Audit Statement is issued.

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

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

71. DAOCB08 - Site Audit Statement subject to Environmental Management Plan

Where the Section A Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP), the EMP must be approved by the Site Auditor and Council prior to the issue of the SAS. The owner of the land is required to comply with all ongoing obligations of the EMP, which form part of the SAS for the site.

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

72. DAOCF01 - Landscape Certification

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 obtained by Council.

(Reason: Landscape certification)

73. DAOCH09 - Completion of Public Road Assets

To ensure assets in the public road, including vehicular crossings, pedestrian footpaths, kerbing, guttering and any roadworks are completed to a satisfactory level, an occupation certificate is not to be issued until such time as a satisfactory completion certificate has been obtained from Council's Manager Engineering and Building.

(Reason: Satisfactory completion of assets in the public road)

74. DAOCI03 - Impacts to Council's Drainage Assets

CCTV footage shall be submitted to Council upon completion of construction works to identify whether the Council's stormwater infrastructure has suffered any damage. The footage shall extend 10m upstream and 10m downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage. Any observed or likely damage shall be rectified at full cost by the applicant to the satisfaction of Cumberland Council's Executive Manager Development and Building. Upon Council being satisfied as to the integrity of drainage infrastructure, a clearance letter will be issued.

(Reason: Protection of Council assets)

75. DAOCI04 - Satisfaction of Hydraulic Requirements - Flood Affected Land

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

- a) Development complies with the Flood Advice Letter and Flood impact report approved by Council as part of condition of this consent.
- b) The development has no adverse impact on flood levels and/or adjoining properties.

The above written verification and electronic copy of the modelling shall be submitted to and approved by Principal Certifier.

The copy of the documents shall be submitted to Council.

(Reason: to ensure construction complies with the approved flood impact report)

76. DAOCZ01 - Flood evacuation plan

Flood evacuation plan shall be prepared by suitably qualified person.

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

Certifier.

The evacuation plan shall be in force at all times.

(Reason: to ensure safety)

77. DAOCZ02 - Inspection

A comprehensive inspection regime for the approved works shall be determined in consultation with Council's Landscape Architect or Engineer following site establishment and setout. Generally, to confirm the progress / completion of bulk earth works, surfaces and fixtures and concrete works (post formwork prior to pouring). A final inspection is to confirm practical completion including any defect rectification works prior to the issue of an Occupation Certificate

(Reason: To ensure compliance of works are constructed to acceptable standards)

78. DAOCZ03 - Maintenance/Planting Establishment

All trees, planting, turfing and landscaping works shall be maintained by the applicant for a 12 month period following the practical completion and issue of an Occupation Certificate.

Maintenance shall include but not be limited to:

- a watering regime is maintained and logged
- turf is regularly mown
- path/garden edges area trimmed and pruned
- garden bed mulch is kept tidy and replenished
- planting beds are kept weed free
- dead, dying or diseased plants are replaced
- planting stakes are kept in place
- Install and maintain temporary garden fencing (capped star picket, wire rail and mesh parawebbing) to prevent foot traffic in planted beds throughout the establishment period.

(Reason: Landscape preservation)

79. DAOCZ04 - Land dedication

The Land dedication is to be certified free of contamination in writing by the Site Auditor prior to the issue of an Occupation Certificate.

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

80. DAOCZ06 - Drainage Easement

Prior to the issue of the Occupation Certificate a drainage easement shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to existing Council's drainage pipe system. Easement width(s) shall comply with Section 2.5, Part G4 of the Councils DCP.

Alternatively, if the drainage easement is to run via Council's road network a Section 138 application under the *Roads Act 1993* is to be submitted to Council for the proposed works.

Documents relative to the creation of the easement shall be lodged and registered with NSW Land Registry Services.

All costs associated with the creation of the easement shall be borne by the applicant. '

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

81. DAOCZ07 - Integration of Park and adjoining development

Prior to the issue of the Occupation Certificate the areas adjacent to the park and 'Site 1' and 'Site 2' shall be integrated to provide uniformity between the two areas.

(Reason: To minimise visual impacts and provide uniformity)

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

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

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 NPfI.

(Reason: To protect residential amenity)

Advisory Notes

83. **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)

84. **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)

85. **DAANN08 - Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification unless and until a modified consent is issued.

(Reason: Advisory)

86. **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)

87. 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)

88. DAANN13 - Work Health and Safety

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

(Reason: Advisory)

89. 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)