

MODIFICATION APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	MOD2023/0425
Applicant:	Dooleys Lidcombe Catholic Club Ltd C/O Urbis Level 8 123 Pitt Street SYDNEY NSW 2000
Property Description:	17 Church Street, 1 Board Street, 2-28 Board Street, 3-21 Ann Street and Board Street Lidcombe LIDCOMBE NSW 2141 Lot 11 DP 78789, Part Lot 13 DP 78789, Lot 15 DP 78789, Lot 1 DP 79131, Lot 2 DP 79131, Lot 3 DP 79131, Lot 11 DP 64696, Lot 12 DP 64696, Lot 13 DP 64696, Lot A DP 190260, Lot B DP 190260, Lot 1 DP 196024, Lot X DP 391142, Lot Y DP 391142, Lot B DP 395349, Lot 12 DP 741212, Lot 1 DP 741584, Lot 1 DP 712252, Lot 1 DP 779654, Lot 1 DP 798953, Lot 14 DP 976927, Lot 15 DP 976927, Lot 6 Sec a DP 979289, Lot 9 Sec a DP 979289, Lot 14 DP 1083657, Lot 14 DP 1083698, Lot 2011 DP 1225004, Lot 100 DP 1244699, Lot 101 DP 1290463
Development:	Section 4.55(2) Modification for various amendments to the approved alterations and additions to the Registered Club (Dooleys) including the addition of 2 Board Street and northern end of lane way, reconfiguration of internal layout, deletion of basement addition and administration building, addition of outdoor gaming area, relocation of substation and plant equipment, changes to building elevations and landscaping, staged construction and operation, and internal construction works outside of standard hours
Determined by:	Sydney / Regional Planning Panel

CONDITIONS OF CONSENT

Accordingly, Development Consent 2019/0467/1 and subject modification/s are amended as follows:

The Applicant name is *amended*.

The Applicant is amended to read:

Dooleys Lidcombe Catholic Club

Condition 2 is *amended* to read as follows:

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.

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Dated
Plan - Drawing List - 18-34 John Street Lidcombe – DA-00-0000	PTW Architects	16	09/06/2023
Plan - Site Plan - 18-34 John Street Lidcombe – DA-00-0020		20	17/04/2024
Plan - Site Analysis - 18-34 John Street Lidcombe – DA-00-0030		15	09/06/2023

Plan - Demo - Basement 02 - 18-34 John Street Lidcombe – DA-02-0800		18	
Plan - Demo - Basement 01 - 18-34 John Street Lidcombe – 02-0900			
Plan - Demo - Level Ground - Club - 18-34 John Street Lidcombe DA-02-1000			
Plan - Demo - Level 01 - 18-34 John Street Lidcombe - DA-02-1100			
Plan - Demo - Level Roof - 18-34 John Street Lidcombe - DA-02-1200		17	
Plan - Basement 02 - 18-34 John Street Lidcombe – DA-10-0800		24	
Plan - Basement 01 - 18-34 John Street Lidcombe – DA-10-0900			25/08/2023
Plan - Level Ground - Club - 18-34 John Street Lidcombe – DA-10-1000		27	
Plan - Level 01 - Club - 18-34 John Street Lidcombe – DA-10-1100		25	
Plan - Level 02 - Plant Rm. - 18-34 John Street Lidcombe – DA-10-1200		26	22/09/2023
Plan - Roof - 18-34 John Street Lidcombe – DA-10-1300		24	25/08/2023
Plan - Elevations - 18-34 John Street Lidcombe – DA-20-0201			
Plan - Elevations - 18-34 John Street Lidcombe – DA-20-0202		21	
Plan - Elevations - 18-34 John Street Lidcombe – DA-20-0203		14	
Plan - Elevations - 18-34 John Street Lidcombe – DA-20-0204			
Plan - Elevations - 18-34 John Street Lidcombe – DA-20-0205		1	
Plan - Streetscape - 18-34 John Street Lidcombe – DA-21-0100		16	09/06/2023
Plan - Sections - 18-34 John Street Lidcombe – DA-30-0100		18	
Plan - Sections - 18-34 John Street Lidcombe – DA-30-0101		10	
Plan - Sections - 18-34 John Street Lidcombe – DA-30-0102			25/08/2023
Plan - Sections - 18-34 John Street Lidcombe – DA-30-0103		11	
Plan - Laneway Section - 18-34 John Street Lidcombe – DA-30-0104			
Plan - Main Switch Room - 18-34 John Street Lidcombe – DA-50-0100		14	17/04/2024
Main Switch Room - 18-34 John Street Lidcombe – DA-50-0101		13	
Plan - Schedule - Materials Legend - 18-34 John Street Lidcombe – DA-75-0701		17	25/08/2023
Plan - GFA- Additional - 18-34 John Street Lidcombe – DA-91-0200		28	25/09/2023
Landscape Cover Sheet / LDA-00	Ground Ink	A	22/07/07/2019
Landscape Masterplan / LDA-01			
Rooftop Landscape Plan / LDA-03			
East Elevation / LDA-04			
North Elevation / LDA-05			
Landscape Details / LDA-05			
Inset Landscape Plans / LDA-02		-	03/06/2021

Landscape Cover Sheet/ C-GIL-LA-DR-A1001 GF Landscape Plan 1/ C-GIL-LA-DR-GR201 GF Landscape Plan 2/ C-GIL-LA-DR-GR202 Level 01 Landscape Plan/ C-GIL-LA-DR-01203 Landscape Details-1/ C-GIL-LA-DR-00301		H	22/9/2023
Drawing Register and Construction Notes / 20 21718 01 / C001	Bonacci	P4	1/06/2020
Existing OSD Catchment Plan / 20 21718 01 / C004		P1	
Soil and Water Management Plan / 20 21718 02 / C005		P4	
Soil and Water Management Details / 20 21718 01 / C006		P4	
Catchment Plan and OSD Calculations		P2	
Siteworks and Stormwater Drainage Key Plan / 20 21718 01 / C030		P4	
Siteworks and Stormwater Drainage Plan – Sheet 1 / 20 21718 02 / C031			
Siteworks and Stormwater Drainage Plan – Sheet 2 / 20 21718 02 / C032			
Siteworks and Stormwater Drainage Details – Sheet 1 / 20 21718 01 / C050			
Siteworks and Stormwater Drainage Details – Sheet 2 / 20 21718 01 / C051			
Assessment of Potential Land Contamination / SYDGE232020-L02	Coffey		04/12/2019
CPTED Report / P0017668	Urbis	Final	06/12/2019
Detailed Site Investigation / GEOTLCOV25554AA-AB	Coffey	V3	29/06/2016
Economic Impact Assessment / P0017668	Urbis	1	04/12/2019
Flood Assessment Report / 2021718-02	Bonacci	-	04/12/2019
Geotechnical Investigation Report / SYDGE232025-AB	Coffey	V01	30/09/2019
Ground Water Monitoring Report / SYDGE232025-AC	Coffey	-	04/12/2019
Heritage Impact Statement / P0017668	Urbis	02	06/12/0019
Interim Validation Report / 754-SYDEN201053-R01	Coffey	V1	04/12/2017
Lighting Assessment / -	Lighting, Art and Science	-	29/11/2019
Noise Impact Assessment, Reference Number 230256	Pulse White		15 April 2024
Remedial Action Plan / GEOTLCOV25554AA-AJ	Coffey	V3	25/10/2016
Section J Report / S4B19003702	S4Bstudio	A	18/9/2023
Social Impact Assessment / P0017688	Urbis	Final	06/12/2019
Supplementary Contamination Assessment GEOTLCOV25554AA-AH	Coffey	-	24/03/2016
Transport Impact Assessment / N128983	GTA Consultants	B	01/06/2020
Addendum Traffic statement	Stantec	-	28/09/2023
Waste Management Plan / 610.16491-R04	SLR Consulting	v3.0	03/12/2019
Report Staging Report	Buildcorp	-	18/04/2024
Sydney Water (CNR-62968) - A-75568 Attachment 1	Sydney Water	-	18/12/2023
Ausgrid TRIM 2017/14/35 (CNR62968)	Ausgrid	-	14/12/2023
NSW Police D/2023/1308710	NSW Police	-	13/02/2024

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

Condition 2A is added.

2A. Plan amendments

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:

- a) The proposed extension into southern laneway shall not have adverse impacts onto adjoining neighbouring vehicular access arrangements. Swept path diagrams shall be provided to the satisfaction of the registered certifier to demonstrate a B85 vehicle parking in the carport of No.16 John Street can enter or depart the laneway in a forward direction without encroaching any obstructions. In accordance with AS2890.1.
- b) Submission of an updated Landscape Plan and associated details that specifically conforms to Council's Lidcombe Town Centre Public Domain Plan, for all proposed streetscape embellishment works including:
 - I. Replacement of proposed unit pavers with pavers consistent to the Plan including predominant Pebblecrete Pavers with New Italia Porphyry Natural cobblestone highlights (Reference the Auburn Town Centre Plan for pavement patterning and the Lidcombe Town Centre Public Domain Plan). In addition a 'feature treatment pavement' outside the entrance to Dooleys Catholic Club as outlined in the Lidcombe Town Centre Public Domain Plan shall also be provided.
 - II. Reduce the height of proposed Planter Boxes from 0.8 metres high to 0.4 - 0.45 metres.
 - III. Include street tree planting, kerb build outs and raingardens

(Reason: To ensure safe vehicle manoeuvring and access and to confirm and clarify the terms of Council's approval)

Condition 14 is deleted.

Condition 20 is deleted and replaced with the following conditions:

20. DAPDB01 – Construction Certificate – Prior to the Commencement of any Demolition Works

The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report or plan (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Council. The Staging Report or plan must be submitted to Council no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

20A. A Staging Report prepared in accordance with condition 20 must:

- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish
- (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
- (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

20B. Where construction or operation is being staged in accordance with a Staging Report or plan, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific

stage must be complied with at the relevant time for that stage as identified in the Staging Report or plan.

The heading prior to Condition 30 is *amended to read*:

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

Condition 30 is *amended to read*:

30. DACCA01 – Amendments to Approved Plans

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

(a) Visible light reflectivity from building materials used on the facades shall not exceed 20%.

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

Condition 32 is *amended to read*:

32. 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 for the relevant construction certificate.

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

Condition 37 is *amended to read*:

37. DACCB05 – Fees to be paid to Council prior to issue of the Construction Certificate

Damage Deposit	\$6,470.00
Sect. 7.12 Contributions	\$799,920.78 + CPI
Sect. 7.12 Contributions (based on additional cost of works)	\$428,263 + CPI
Cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. (This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.)	\$6,290.00
Traffic Management Plan	\$211.50
Infrastructure Inspection	\$246.00
TOTAL	\$1,241,401.28 + CPI where applicable

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

(Reason: Statutory requirement and information)

NOTE: COVID-19 Response Measures: Infrastructure Contributions - Timing of Payment

A monetary contribution that is required to be paid under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided below. If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

The above does not prevent the entry into an arrangement with the Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the Auburn Development Contributions Plan 2007.

(Reason: To comply with Ministerial Direction with regard to timing of Infrastructure Contributions during COVID-19 period) 38. DACCB06 - Photographic R

Condition 41 is amended to read:

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent to 18-34 John Street, Lidcombe, 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 prior to the issue of the [relevant](#) Construction Certificate.

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., prior to the issue of the [relevant](#) Construction Certificate, and
- (c) All Civil Engineering works adjacent to 18-34 John Street, Lidcombe, is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "Work - As – Executed" plans. The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

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

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

Condition 42 is amended to read:

42. DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

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

A separate Council approval is required and in this regard the applicant must lodge an application (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to the issue of the [relevant](#) Construction Certificate.

This application will also be required where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed and/or required.

(Reason: To ensure appropriate access to the site can be achieved)

Condition 44 is amended to read:

44. 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~~ the relevant Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy Licence (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

Condition 47 is amended to read:

47. 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 the Accredited Certifier with the relevant Construction Certificate application. 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)

Condition 48 is deleted.

Condition 49 is amended to read:

49. DACCG05 - Off Street Car Parking - General

A minimum of ~~570~~ 519 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Principal Certifier prior to the issue of a the relevant Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

Condition 54 is amended to read:

54. 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, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist " and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

Please note that where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

Condition 55 is amended to read:

55. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "On-site Stormwater Detention Policy" and shall be submitted to the Accredited Certifier prior to the issue of the [relevant](#) Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the [relevant](#) Construction Certificate.

(Reason: Adequate stormwater management)

Condition 56 is amended to read:

56. DACCJ04 - Construction or Redirection of a Stormwater Drainage System

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of an overland flow path, pit, pipeline of a specific size, material and location, approved by Council.

Where consent is granted for the changes to a drainage line or system, Engineering Plans in accordance with Council's "On-site Stormwater Detention Policy" shall be submitted to the Accredited Certifier prior to the issue of the [relevant](#) Construction Certificate.

(Reason: Protection of existing drainage infrastructure)

Condition 63 is amended to read:

63. DACCL01 - Electricity Substation

Documentary evidence of compliance with the relevant energy authority's requirements is to be provided to the Principal Certifier prior to the issue of ~~a~~ [the relevant](#) Construction Certificate.

(Reason: Access to utility)

Condition 66 is amended to read:

66. DACCL05 - Compliance with Acoustic Report

Prior to the issue of ~~a~~ [the relevant](#) Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved Noise Impact Assessment prepared by ~~Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021~~ [Pulse White, Reference Number 230256 dated 15 April 2024](#), and any subsequent acoustic report submitted in accordance with this consent must be implemented and complied with.

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

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

Condition 67 is amended to read:

67. DACCL06 - Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- c) A hot and cold hose cock shall be provided within the room.

A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the [relevant](#) Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

Condition 68 is amended to read:

68. 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 the Principal Certifier as 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)

Condition 69 is amended to read:

69. DACCM03 - Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of ~~a~~ 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, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

Condition 70 is amended to read:

70. DACCZ01 – Additional Acoustic Assessment

Prior to the issue of the [relevant](#) Construction Certificate, an additional acoustic report must be prepared by a suitably qualified and experienced acoustic consultant* and be submitted to the satisfaction of the appropriate Certifying Authority. The report should consider noise emissions from the development from all proposed mechanical plant and noise generating equipment, including but not limited to air conditioners, mechanical exhaust/ventilation systems, lift motors, cooling towers, and construction noise. The report should be prepared in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (NPfI).

*Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the relevant tertiary qualifications and experience to render them eligible to be a Member or Fellow of the Australian Acoustical Society, or a member of the Association of Australian Acoustical Consultants (AAAC).

(Reason: Environmental protection)

Condition 71 is amended to read:

71. DACCZ02 – Waste Storage Facilities

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

- (a) Waste storage rooms must be fully enclosed and suitably sized to contain all waste and recyclable material generated by the premises; adequately ventilated; and constructed with a concrete floor and concrete or cement rendered walls;
- (b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- (c) A hot and cold hose cock shall be provided within waste rooms.

A detailed plan showing the design and location of all waste storage facilities must be submitted to the Principal Certifier prior to the issue of the [relevant](#) Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

Condition 73 is amended to read:

73. DACCZ04 – Hydraulic Engineering

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that:

- (a) Development complies with the Council's Flood advice letter.
- (b) The development has no adverse impact on flood levels and/or adjoining properties.

Prior to the issue of ~~any~~ [the relevant](#) Construction Certificate, the written verification shall be submitted to and approved by Principal Certifying Authority.

(Reason: To ensure construction complies with the flood study)

Condition 74 is amended to read:

74. DACCZ05 – Stormwater Disposal

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged by gravity system as per approved plans. In this regard:

- (a) The proposed stormwater system shall be generally in accordance with the approved Stormwater Plans.
- (b) The development has been identified as requiring an On-site Stormwater Detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, approved OSD plan and the Auburn Development Control Plan 2010, shall be submitted to the certifying authority prior to the issue of ~~a~~ [the relevant](#) Construction Certificate. The following shall also be addressed:
 - (i) Grated pit shall be provided behind the flap at the return pipe.
 - (ii) Emergency Overflow pipe shall be incorporated in the OSD design.
 - (iii) Pool type fencing shall be provided around the OSD basin as per the Auburn Development Control Plan 2010 requirements.
 - (iv) High early discharge control shall be provided as per the Auburn Development Control Plan 2010 requirements.
 - (v) Dry platform and weep hole details shall be clearly shown on the plan.
 - (vi) Discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
 - (vii) Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.

(Reason: To prevent localised flooding)

Condition 75 is amended to read:

75. DACCZ06 – On Street Drainage Design

Prior to the issue of ~~any~~ **the relevant** Construction Certificate a detail design for the proposed connection to existing Council's stormwater pipe shall be submitted and approved by Cumberland Council's Manager Engineering and Traffic. In this regard:

- (a) A longitudinal section, of the proposed stormwater outlet from boundary pit showing the depth and location of all the services within the area of the proposed works shall be submitted. Exact depth and location of the services shall be verified by service search. Service search details shall be submitted.
- (b) Exact depth of the outlet pipe in the exiting pit shall be annotated on the plan.
- (c) A standard grated kerb inlet pit/Junction pit shall be constructed at the point of connection as per Council requirements.
- (d) Transport NSW approval is provided, if required.

(Reason: To ensure design is clear of services and connection to Council's stormwater is designed to Council's requirements)

Condition 76 is amended to read:

76. DACCZ07 – Parking Layout

The parking layout shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing the all necessary dimension shall be submitted to and approved by the Principal Certifying Authority prior to the issue of ~~a~~ **the relevant** Construction Certificate.

Copy of the approved plan shall be submitted to Council.

(Reason: To ensure parking layouts comply with Australian Standard AS2890.1 - 2004)

Condition 77 is amended to read:

77. DACCZ08 – Minimum Headroom – Adaptable Parking Spaces

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

Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the Principal Certifying Authority prior to the issue of ~~a~~ **the relevant** Construction Certificate.

(Reason: To ensure headroom complies with AS2890.1 - 2004)

Condition 78 is deleted.

Condition 81 is amended to read:

81. DACCZ12 – Lighting Design

The following shall be addressed with the lighting design of commercial portion of the development:

- Lighting shall be designed not to interfere with the amenity of residents or affect the safety of motorists.
- Light spill onto the street, and onto the public domain shall be minimised.
- Adequate lighting shall be provided to minimise shadows and concealment of spaces.
- Under awning lighting shall be provided to facilitate night use and to improve public safety. The lighting shall be recessed into the soffit of the awning, or wall mounted onto the building.
- Soft down lighting is preferred over up lighting to minimise light pollution.

- The lighting design shall be integrated with the interior design. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.
- The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen to produce the highest energy efficiency.
- Surface mounted fluorescent fixtures shall not be used.

Detail shall be submitted to the Certifying Authority, prior to the issue of ~~a~~ the relevant Construction Certificate.

(Reason: Compliance with the Auburn Development Control Plan 2010)

Condition 89(b) is amended to read:

89. DAPCZ01 – On Street Drainage Construction

Prior to issue of any Occupation Certificate the street drainage works 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) Transport NSW approval shall be obtained for the any-construction works within Olympic Drive.**
- (c) 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 pipeline trenches.
 - (ii) After the laying of all pipes prior to backfilling.
 - (iii) After the completion of all pits and connection points.
- (e) 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.
- (f) 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)

Condition 92 is amended to read:

92. DADWA01 - Construction Hours

No construction or any other related activities including the delivery of materials to the site shall be carried out on the site outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm Saturdays. No work is to occur on Sundays and public holidays.

Construction works associated with the internal fitout may be undertaken outside of these hours provided the works are inaudible at the nearest sensitive receivers.

Note: Demolition work is not permitted on weekends or public holidays- refer to specific demolition conditions for approved hours.

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 7.00 am - 6.00 pm Monday to Friday.

(Reason: To minimise impacts on neighbouring properties)

Condition 115 is amended to read:

115. DADWZ02 – Street ~~Trees~~ Planting

~~Street trees shall be planted~~ New planter boxes will be constructed within the John Street road reserve ~~at 13m intervals~~ as shown in the Landscape Plans, Drawing Nos. ~~LA-02~~ GF Landscape Plan 1 / C-GIL-LA-DR-GR201 and GF Landscape Plan 2 / C-GIL-LA-DR-GR202, prepared by Ground Ink Landscape Architects, dated 22/09/2023. ~~Street tree Planting~~ Planting shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.

Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.

At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.

Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.

(Reason: To increase planting within the centre)

Condition 120 is amended to read:

120. DAOCA05 - Height

The maximum height of the proposed development shall be ~~A.H.D. 22.53m (RL41.580)~~ **RL38.035**. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the LEP height of buildings development standard)

Condition 124 is amended to read:

124. DAOCA11 - Civil Works on the Footway

The following civil works **related to each stage** are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of ~~any the final~~ occupation certificate:

- (a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- (b) Reconstruct existing public drainage pit/pipe system, and/or
- (c) Construct a new vehicular crossing, and/or
- (d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

Condition 125 is amended to read:

125. DAOCA12- Construction of Concrete Footpath

A full width concrete footpath shall be constructed to replace the full length adjacent to the front and side of the property, as per Council's requirements, at no cost to Council.

Footpath surface treatment and paving details shall comply with the relevant Council's standards for town centres. Details shall be obtained from Council's Engineering Section.

The above civil works **relevant to each stage** must be constructed prior to the release of ~~any the final~~ Occupation Certificate.

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

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

Condition 130 is amended to read:

130. DAOCB04 - Acoustic Verification Report

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

- a) All recommendations contained in the Noise Impact Assessment prepared by ~~Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021~~ Pulse White, Reference Number 230256 dated 15 April 2024, and any additional acoustic reports submitted in accordance with this consent, have been implemented and complied with, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

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

(Reason: To protect residential amenity)

Condition 138 is amended to read:

138. DAOCZ01 – Acoustic Verification Report

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

- (a) All recommendations contained in the ~~Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021~~ Pulse White, Reference Number 230256 dated 15 April 2024, and any additional acoustic reports submitted in accordance with this consent, have been implemented and complied with; and
- (b) The project specific noise criteria established in the DA acoustic report and any additional acoustic reports submitted in accordance with this consent are being complied with.

*Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the relevant tertiary qualifications and experience to render them eligible to be a Member or Fellow of the Australian Acoustical Society, or a member of the Association of Australian Acoustical Consultants (AAAC).

(Reason: To protect resident amenity)

Condition 142 is deleted.

Condition 144A is deleted.

Condition 144B is deleted.

Condition 144C is deleted.

Condition 144D is deleted.

Condition 144E is deleted.

Condition 144F is deleted.

Condition 161 is amended to read:

161. DAOUC23 - Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the Noise Impact Assessment prepared by ~~Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021~~ Pulse White, Reference Number 230256 dated 15 April 2024, and any subsequent acoustic report submitted in accordance with this consent relating to use and/or management of the site must be implemented and ~~com~~ complied with.

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

Condition 159A is added.

159A 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)

Condition 159B is added.

159B DAOUA07 - Deliveries

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 7am or after 9pm on weekdays and before 8am or after 9pm on weekends and public holidays.

(Reason: To control noise impacts)

Condition 159C is added.

159C 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)

All other conditions of Development Consent 2019/0467/1 and subsequent modification application remain unchanged.