

**DEVELOPMENT APPLICATION  
DRAFT CONDITIONS OF CONSENT**

Under the *Environmental Planning and Assessment Act, 1979*

<b>Application No:</b>	DA2023/0753
<b>Applicant:</b>	A Soliman C/O The Planning Hub Level 3 Suite 3.09/100 Collins Street Alexandria NSW 2015
<b>Property Description:</b>	58-62 Railway Parade, Granville NSW 2142 Lots 1 and 2 in DP 1196456, Lot 3 in DP 174492
<b>Development:</b>	Demolition of an existing structures, retention of existing heritage dwelling (item 78) and construction of a three (3) storey mixed-use development comprising of a medical centre and retail space at ground floor level and a 115 place centre based childcare centre on the first and second floor level, including basement parking, landscaping, associated site and infrastructure works and lot consolidation.
<b>Determined by:</b>	Sydney Central City Planning Panel

**CONDITIONS OF CONSENT****General Conditions****1. DAGCA01- General**

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

(Reason: Advisory)

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

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

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
DA.04 Issue B	Basement 2 Plan	Zhinar Architects Pty Ltd	06/06/2024
DA.05 Issue B	Basement 1 Plan	Zhinar Architects Pty Ltd	06/06/2024
DA.06 Issue B	Ground Floor Plan	Zhinar Architects Pty Ltd	06/06/2024
DA.07 Issue B	Level 1 Plan (as amend in condition 12 and mark in red on the plan)	Zhinar Architects Pty Ltd	06/06/2024
DA.08 Issue B	Level 2 Plan (as amended in condition 12 and mark in red on the plan)	Zhinar Architects Pty Ltd	06/06/2024
DA.09 Issue B	Roof Plan	Zhinar Architects Pty Ltd	06/06/2024
DA.10 Issue B	North & South	Zhinar Architects Pty	06/06/2024

	Elevations	Ltd	
DA.11 Issue B	East & West Elevations	Zhinar Architects Pty Ltd	06/06/2024
DA.12 Issue B	Sections A & B	Zhinar Architects Pty Ltd	06/06/2024
DA.13 Issue B	Sections C & D	Zhinar Architects Pty Ltd	06/06/2024
DA.22 Issue B	Photomontage	Zhinar Architects Pty Ltd	06/06/2024
DA.23 Issue B	Internal Elevations and Details	Zhinar Architects Pty Ltd	06/06/2024
DA.24 Issue B	Deep soil & Landscape Calculation	Zhinar Architects Pty Ltd	06/06/2024
DA.25 Issue B	Demolition Plan	Zhinar Architects Pty Ltd	06/06/2024
DA.26 Issue B	Waste Handling Route	Zhinar Architects Pty Ltd	06/06/2024
Drawing No. 01 Issue C	Landscape Concept Ground Floor medical Centre & Plant Schedule	OutsideIn Design Group	30/05/2024
Drawing No. 01 Issue C	Childcare Landscape Concept Levels 1 & 2	OutsideIn Design Group	30/05/2024
Drawing No. D1 Revision E	Details, Notes & Legend	Quantum Engineers	11/06/2024
Drawing No. D2 Revision E	Basement Level 2 Plan	Quantum Engineers	11/06/2024
Drawing No. D3 Revision E	Basement Level 1 Plan	Quantum Engineers	11/06/2024
Drawing No. D4 Revision E	Site/Ground Floor Plan	Quantum Engineers	11/06/2024
Drawing No. D5 Revision E	Roof Plan	Quantum Engineers	11/06/2024
Drawing No. D6 Revision E	OSR & RWT Details and Calculations	Quantum Engineers	11/06/2024
Drawing No. D7 Revision E	Sediment Control Plan	Quantum Engineers	11/06/2024
Drawing No. D8 Revision E	Stormwater & Sediment Control Details (as amend in condition 12)	Quantum Engineers	11/06/2024
-	NCC Section J Compliance Report	Gradwell Consulting	14 December 2023
-	NABERS Embodied emissions materials form	Quantex Consulting	-
J5696	Statement of Heritage Impact	Weir Phillips Heritage and Planning	04/06/2024
24SYD8542 Version Number V1	Archaeological Assessment	Eco Logical Australia	11 June 2024
7857-1.1R	Environmental Noise Impact Assessment	Day Design Pty Ltd	14 December 2023
Ref.	Air Quality	EI Australia Pty Ltd	27 May

E26168.E21_Rev0	Assessment		2024
REF-23183	Amended Waste Management Plan	Dickens Solutions	May 2024
G2384-1	Preliminary Acid Sulphate Soils Assessment Report	Geotechnical Consultants Australia	29 March 2023
E26168.E01_Rev1	Preliminary Site Investigation	EI Australia Pty Ltd	14 December 2023
E26168.E10_Rev0	Hazardous Materials Survey	EI Australia Pty Ltd	27 October 2023
23272 Issue B	Access Report	Vista Access Architects	07/12/2023
Version 3	Plan of Management - Proposed Child Care Centre	Early Education Solutions	07 December 2023
Ref 22420	Revised Traffic and parking Assessment Report	Varga Traffic Planning Pty Ltd	11 June 2024
Case reference A-78024 (CNR-64844)	Referral comment	Endeavour Energy	21/01/2024
-	Referral comment	NSW Police - Cumberland Police Area Command	22 February 2024
Case reference A-78025 (CNR-64844) - Attachment A	Referral comment	Transport for NSW Sydney Trains	21 February 2024
Case reference A-78026 (CNR-64844) - Attachment 1 and 2	Referral comment	Sydney Water	13 February 2024

For comprehension of approved levels, reference has been made to survey plan reference No. 23178 prepared by Vertex Surveyors dated 12.12.2023 (Revision B).

(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)

### 4. **DAGCF02 - Utility Services**

If the development causes damage to utility services or if it requires the adjustment or relocation of utility services, the applicant shall carry out works, at the applicant's expense, to the service/s to the satisfaction of the utility provider.

(Reason: To protect and ensure the ongoing integrity of utility infrastructure)

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

### 5. **DAPDB02 - Notice of Demolition**

At least five working days prior to the commencement of demolition work, notice must be given to adjoining residents of the following:

- The date when demolition will commence;

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

At least five working days prior to the commencement of demolition work, notice must be given to Council of the following:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;
- The licence number of the demolisher;
- If asbestos is to be demolished, the full name and licence number of the asbestos removalist/s;
- Relevant SafeWork licences, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.

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

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

#### **6. DAPDB07 - Site Safety Fencing - Demolition Only**

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

(Reason: Public safety)

#### **7. DAPDB08 - Demolition Inspections**

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made. To arrange a Council inspection contact Council's Customer Service on 8757 9000.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 - Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation)

#### **8. DAPDB09 - Tree Preservation**

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

(Reason: Tree Preservation and Protection)

#### **9. 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)

#### **10. DAPDB12 - Sediment and Erosion Control measures**

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

- a) A dish shaped diversion drain, or similar structure, shall be constructed upstream of the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- c) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having the driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

The above measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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

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

#### **11. DACCA01 - Amendments to Approved Plans**

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

- a) The western extent of the outdoor play area on the first and second floor is to be retracted to provide a 4.765 metres setback from the western side boundary.
- b) Different materiality of the western 'annexe' of the new building materials shall be used to provide a more a lightweight and recessive structure.
- c) Access shall be provided from the basement to the ground floor main lobby for the commercial/retail tenancy and existing clinic.
- d) The mechanical services on the roof shall be screened to add visual interest.
- e) A cabinet or alternatively shield walls and doors are to be provided for the hydrant booster and associated services and are to match the appearance of the main structure of the development (in so far as such matching is compliant with all relevant requirements of Fire and Rescue NSW). Plans detailing this shall be lodged with the Construction Certificate application. The booster assembly and access to it shall ensure compliance with all requirements of Fire and Rescue NSW.

Stormwater design shall address the following matters:

- a) Exact depth of the existing Council's stormwater pipe shall be incorporated in the OSD design.
- b) Adequate ventilation opening shall be provided in the vicinity of the sealed pits SP10 and SP11 to facilitate the cross ventilation within the tank.

The amended stormwater plans and calculation showing the compliance of above and the Development Control Plan (DCP) requirements shall be submitted to and approved by Cumberland Council's Executive Manager City Planning and Development.

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

**12. 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)

**13. 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)

**14. 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)

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

A damage deposit of \$14,296.98 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)

**16. 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)

**17. DACCB04 - Section 7.12 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.12 of the *Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at \$59,352.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

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

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

Types of fees	Amount	Payment timing
Demolition Inspections	\$290.00 per inspection x 2 = \$580.00	Prior to demolition works
Damage Deposit	\$14,296.98	Prior to demolition works
Sect. 7.12 Contributions	\$59,352.00 + CPI	Prior to issue of CC
On-Site Detention Bond	\$7,700.00	Prior to issue of CC
Construction Traffic Management Plan	\$393.00	Prior to issue of CC
Kerb Crossing Bond (Related to Driveways)	\$6,700.00	Prior to issue of CC
Driveways Inspections	\$1,694.00 (4 inspections)	Prior to issue of CC
<b>TOTAL</b>	<b>\$90,715.98 + CPI where applicable</b>	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. Please note that other fees and charges may be applicable to the proposal. 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)

#### **19. DACCB06 - Photographic Record of Council Property - Damage Deposit**

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

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

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

(Reason: Maintain public assets)

#### **20. 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)

#### **21. 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 58-62 Railway Parade, Granville 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 58-62 Railway Parade, Granville 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)

## **22. DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act 1993**

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)

## **23. 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)

## **24. 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)

## 25. **DACCF02 - Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of Council or registered certifier. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

## 26. **DACCF03 - Landscape Plan**

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

The plan must include the following information:

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

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

(Reason: Landscape quality)

## 27. **DACCF04 - On Slab Landscaping**

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

## 28. **DACCF05 - Tree Replacement**

The landscape plan submitted with the Construction Certificate application shall incorporate the following replacement tree/s to ensure the preservation of the landscape character of the area. The tree shall be located a minimum of 1200mm from the driveway.

Species	Location	Pot Size
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<i>Corymbia ficifolia</i> x1	Council nature strip (in front of 62 Railway)	75L
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(Reason: Preservation of the landscape character of the area)

**29. DACCG01 - Available Visitor Car Parking Signage**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

**30. DACCG03 - Off Street Car Parking - Multiple Use Buildings**

50 car spaces shall be provided on the development site, comprising of at least:

- 25 (including 2 accessible) spaces for the Centre Based Child Care Centre.
- 2 spaces for the Retail/Commercial.
- 17 (including 2 accessible) spaces for the Medical Centre.
- 6 spaces for the existing Clinic.

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

If the development is to be strata subdivided, the car park layout must reflect the above allocation.

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

The parking bays shall be delineated by line marking.

Visitor spaces shall be clearly line marked and/or signposted and shall only be used by visitors to the site.

The following traffic control measures shall be implemented on site:-

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

The above details shall be submitted to and approved by the Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

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

A minimum of 50 off-street car parking spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

Details are to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

**32. DACCG09 - Speed Hump and Stop Sign on Exit**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be setback 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of Australian Standard 2890.1:2004. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management)

**33. DACCG10 - Stacked Parking**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata lot. The stacked parking spaces must not be used for visitor parking.

(Reason: To ensure that building users will have access to their allocated parking spaces)

**34. DACCG11 - Stop Signs**

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

(Reason: Adequate access and egress)

**35. DACCI03 - Substation**

No approval is granted of any substations onsite. Separate development consent is required for such structures.

(Reason: Streetscape amenity)

**36. 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)

**37. 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)

**38. 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 unless so shown on approved development application plans.

(Reason: Adequate stormwater management)

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

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

(Reason: To ensure the support for neighbouring buildings)

**40. DACCK01 - Dilapidation Report**

A dilapidation report prepared by a suitably qualified practising engineer shall be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site pursuant to this development consent. The dilapidation reports must be submitted to the owner/s of the affected property/ies and the Council or registered certifier prior to the issue of a Construction Certificate. All costs shall be borne by the applicant/person acting on the consent.

Please note:

- Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, to trespass or to carry out any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- Council will not become involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

(Reason: To ensure there is an adequate record of the state of neighbouring properties)

#### **41. DACCL05 - Compliance with Acoustic Report**

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by Day Design dated 14 December 2023 reference 7857-1.1R.

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

#### **42. DACCL08 - Waste Storage Facilities and Management Strategy (Mixed Use Development)**

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

- The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material;
- The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- A hot and cold water hose cock shall be provided within the room; and
- If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms and the site collection approach including any required waste/recycling collection bays must be submitted to the Council or registered certifier prior to the issue of the Construction Certificate.

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

#### **43. DACCL09 - Fencing**

Any new fencing on site shall comply with the following:

- Front fences should not exceed 1.5m in height from natural ground level.
- Any solid upstand section should be limited to 900mm in height. The top half of the fence should be an open design with a minimum open area of 50% (provided that there is articulation) for visibility to and from the site.
- Gates shall be of materials that are consistent with the front fence and shall open into the property and not onto a roadway, footpath or public space.
- Suitable planting should be used to soften the visual relationship between fences and the public domain.
- Front fences shall not be constructed of solid pre-coated metal type materials.
- Side boundary fences where located forward of the building line shall not exceed a height of 1.2m above existing ground level and shall be a minimum of 50% transparent.
- Fences located on side or rear boundaries of the premises (not being a boundary with street frontage), behind the main building line, shall be a minimum of 1.8m high and shall not exceed 2.1m high measured from ground level.
- On secondary street frontages, fences shall be a minimum of 1.8m high and not exceed a maximum height of 2.1m from the front boundary to the rear of the dwelling house and shall be a minimum of 50% transparent.
- For corner sites, the maximum construction height for walls, fences and landscaping must be 900mm at the street corner of the allotment in an area measuring 1.5m x 1.5m from the corner. This will assist sight lines for pedestrian and vehicular movements. Council may permit fencing up to 1.2m where a larger corner lot splay exists, and it can be demonstrated

that fencing will not impede sight lines.

(Reason: Streetscape and amenity)

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

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

(Reason: To ensure adequate mechanical ventilation is provided)

**45. DACCM10 - Future use of Mixed-Use Building for Commercial Tenancy**

The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and are capable of accommodating any exhaust/ventilation requirements for ground floor commercial units in particular food premises. In the event that a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary.

(Reason: Ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation)

**46. DACCN01 - Housing and Productivity Contribution (HPC)**

- a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 46b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$40,278.43
<b>Total housing and productivity contribution</b>	<b>\$40,278.43</b>

- b) The amount payable at the time of payment is the amount shown in condition 46a) as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

***Consent PPI number***

where:

*highest PPI number* is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made,

and

*consent PPI number* is the PPI number last used to adjust HPC rates when consent was granted, and

*June quarter 2023* and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- c) The HPC must be paid before the issue first construction certificate in relation to the development.
- d) The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- e) The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

(Reason: To facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region).

#### **47. DACCO06- Pump Out Drainage System**

The basement carpark shall incorporate a pump out drainage system. Plans for the system prepared by a qualified civil or hydraulic engineer shall be provided to the Council or registered certifier that demonstrate:

- a) The catchment area that drains to the pump out system. This area is to be limited to the driveway ramp and is not to exceed the lesser of 60m<sup>2</sup> or 5% of the basement area.
- b) Provision of tank storage volume based upon the 100 year average recurrence interval storm event for a 90 minute storm duration, with further provision within the car park area to accommodate the 100 year average recurrence interval even based upon a 12 hour storm duration.
- c) Provision of dual submersible pump units where each have a discharge rate equal to the 100 year average recurrence interval for a 5 minute storm duration.
- d) The water level and location for the collection of water, outside of the tank storage. The collection / storage area may be co-located with car parking and access aisles. Any other use, including storage for units within the building must be located at least 100mm above the water level of the collection area.
- e) Measures to be enacted that immediately alert the owners of the building that a pump failure has occurred, including in scenarios when the building may be unoccupied.

(Reason: To ensure the basement is not affected by water inundation that may pose safety risks)

#### **48. DACCO08- 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 stormwater concept plans D1 to D7 issue E dated 11. 06. 2024 prepared by Quantum Engineers and the modifications approved as part of condition 4 of this consent.
- 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 and Council's DCP shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
  - i. Discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
  - ii. Grated drains shall be provided directly behind the flap as per Council's standard Drawings.
  - iii. OSD shall be clear of building floor areas.
  - iv. Minimum 2.2m headroom shall be provided within the basement under the OSD tank.
  - v. Adequate ventilation opening shall be provided in the vicinity of the sealed pits SP10 and SP11 to facilitate the cross ventilation within the tank.

(Reason: To prevent localised flooding)

#### **49. DACCZ01 - On-site Detention Bond**

Prior to the issue of a Construction Certificate, the applicant shall lodge with Council a \$7700 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.

(Reason: to ensure Positive Covenant and Restriction as to User documents are registered)

#### **50. DACCZ02 - Street signs relocation and line marking modifications - Cumberland Traffic Committee**

The existing street signs shall be relocated to provide minimum 1.2m clearance to the driveway and line markings shall be modified to facilitate the proposed access driveway. In this regard,

- a) Detailed plan showing the proposed relocation of the existing street traffic signs in Railway Parade, Granville shall be prepared in consultation with Council's Traffic Section.
- b) Detail plan showing modification to the line marking shall be prepared in consultation with Council's Traffic Section.

- c) The plans shall be submitted to Cumberland Traffic Committee (CTC) for consideration and approval.
- d) The CTC approval for street sign relocation and modification to line markings shall be submitted to Registered Certifier.

Note: CTC assessment may take up to 12 weeks.

(Reason: to ensure CTC approval for relocation of street signs and modification to line)

#### **51. DACCZ03 - Parking layout**

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing all necessary dimension shall be submitted to and approved by the Registered Certifier.

Childcare visitor parking space widths and aisle widths shall comply with the User Class 3A of the Australian standard AS2890.1.

Copy of the approved plan shall be submitted to Council.

(Reason: To ensure parking layouts comply with Australian Standard AS2890.1:2004 and AS2890.6.)

#### **52. DACCZ04 - Headroom clearance**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890.1:2004 minimum 2.2m headroom clearance shall be provided. 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 Construction Certificate.

(Reason: To ensure the access ramps comply with Australian Standards AS28890.1:2004 and AS2890.6.)

#### **53. DACCZ05 - Service Cover relocation**

The existing service cover shall be relocated clear of the proposed driveway. In this regard,

- a) Letters from relevant service authority shall be submitted for the relocation of the service cover.
- b) Documents showing compliance of above requirements shall be submitted to and approved by Registered Certifier.

Copy of the documents shall be forwarded to Council.

(Reason: to ensure service authority's consent is obtained for the relocation of the service cover.)

#### **54. DACCZ06 - 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) Longitudinal section of the proposed stormwater outlet from the development 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.
- b) Service search details shall be submitted.
- c) 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.)

**55. DACCZ07 - Power Pole Relocation**

The power pole forward of the site shall be relocated if a 1.2m separation between the power pole and driveway is not provided. Prior to the issue of any Construction Certificate approval shall be obtained for the relocation of the power pole from the relevant authority.

(Reason: To provide safe and practical vehicular access)

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

**56. 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)

**57. 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)

**58. 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)

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

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



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

(Reason: Statutory requirement)

**60. 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)

**61. 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)

**62. 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)

**63. DAPCB03 - Protection of Landscape Features**

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

Species	Location	TPZ (M)	SRZ (M)
Washingtonia filifera - Mexican fan palm	Front of site	1	N/A

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

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

(Reason: Protection of trees to be retained)

**64. 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.)

**65. DAPCZ02 – Hoardings**

Hoarding adjacent to the Granville Train Disaster Memorial Park shall be a Type A hoarding. In this regard, the hoarding shall be provided with appropriate public art to represent the interface of the development and the adjoining Granville Train Disaster Memorial Park. Details shall be provided and approved by Council of the location of the hoarding and public art to be incorporated on the hoarding prior to installation.

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

**66. 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)

**67. 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)

**68. 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)

**69. 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)

**70. 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)

**71. 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)

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

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

**73. 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)

**74. DADWA13 - Compliance with Hazardous Materials Survey Report**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

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

**75. 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)

**76. 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)

**77. 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)

**78. 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)

**79. 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)

**80. DADWA21 - Compliance with Acid Sulphate Soils Management Plan**

All recommendations contained in the approved Preliminary Acid Sulphate Soils Management Plan prepared by Geotechnical Consultants Australia, reference G2384-1, dated 29 March 2023 must be implemented and complied with during all development works.

(Reason: Environmental protection)

**81. DADWB01 - Arborist Inspections**

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

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

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

**82. DADWB02 - Tree Protection**

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

(Reason: Tree preservation)

**83. DADWB08 - Removal of Trees**

The following trees are approved for removal:

Species	Location
<i>Cinnamomum camphora</i> - Camphor laurel x 1	Front of site

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

**84. 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)

**85. 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)

**86. DADWC03 - Progress Survey - Development Over Two Storeys**

In order to ensure compliance with approved plans, a survey certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- The completed level of the excavation and its relationship to the boundaries at the completion of excavation and prior to the placement of any footings;
- The level of ground floor level form work and its relationship to boundaries prior to the placement of concrete at the ground floor level;
- The principal level of the formwork and the intended relationship of the completed works to the boundary for every second floor level above ground floor level (i.e. levels 2, 4, 6 etc of the building) prior to the placement of concrete;
- The level of the highest point of the building and its relationship to the boundary prior to roofing; and
- The relationship of the building to the boundaries at completion.

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

(Reason: To ensure compliance with approved plans)

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

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

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

**88. DADWC08 - Anti-Graffiti Coatings**

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

Reason: To minimise the opportunity for graffiti)

**89. DADWC10 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

**90. DADWC11 - Heritage - No Demolition of Extra Fabric**

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building indicated on the approved plans to be retained, be

damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. You must obtain written approval of Council prior to work recommencing.

(Reason: Heritage conservation)

**91. 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)

**92. DADWC14 - Liquid Trade Waste**

If a grease trap is required to be installed, then it must be installed in accordance with Sydney Water trade waste requirements by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must not be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems.

(Reason: Ensure that liquid trade waste is suitably disposed and does not affect the environment/food safety)

**93. DADWC16 - Waste Management**

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

(Reason: Compliance with approval)

**94. 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 and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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

**95. DADWD01 - Notice of Demolition**

Demolition work is to be carried out by a licenced demolition contractor in accordance with AS 2601-2001 and may only be carried out between 7.00am to 5.00pm on Mondays to Saturdays, excluding public holidays. Jackhammers, rock breakers, heavy machinery and the like may not be used on Saturdays. No demolition work is to take place on Sundays or public holidays.

Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving waste disposal facility.

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

**96. DADWD02 - Demolition - Asbestos**

For demolition works involving asbestos, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm

are to be erected in prominent visible positions on the site during asbestos removal works. Barricades to delineate and isolate the asbestos removal area and prevent public access are to be installed prior to the commencement of asbestos removal works and remain in place until works are completed. The type of barricading should reflect the level of risk.

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

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

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

Re-occupation of a workplace must not occur until following the completion of asbestos removal work until a Licensed Asbestos Assessor or Competent Person independent from the asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

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

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

#### **97. DADWD06- Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)**

The following critical stage inspections must be carried out:

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

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

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

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

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

(Reason: Statutory requirement)

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

#### **98. 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)

**99. 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)

**100. DAOCA04 - Structural Engineer's Certificate**

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

(Reason: Structural certification)

**101. DAOCA05 - Building Height**

The maximum height of the proposed development shall not exceed A.H.D. 25.40 and top of lift overrun shall not exceed RL26.20. 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 development standard for building height)

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

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

- a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
- b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
  - the stormwater drainage system;
  - car parking provision;
  - the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1;
  - any related footpath works;
  - any basement mechanical pump; and
  - the proposed driveway and layback.

(Reason: Asset management)

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

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

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

**104. DAOCA15 - Concrete Footpath**

A concrete footpath shall be constructed to replace the existing footpath along the frontage to 58-62 Railway Parade, Granville as per Council's requirements at no cost to Council.

Note: The above works will require an application to Council under s.138 of the Roads Act 1993.

(Reason: To ensure satisfactory pedestrian amenity)

**105. DAOCB04 - Acoustic Verification Report**

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant, being a consultant who holds current member grade of the Australian Acoustical Society, must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- a) All recommendations contained in the DA acoustic report prepared by Day Design dated 14 December 2023 reference 7857-1.1R have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

(Reason: To protect residential amenity)

**106. DAOCD01 - Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

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

(Reason: Fire safety)

**107. DAOCF01 - Landscape Works**

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

(Reason: Landscape certification)

**108. DAOCH03 - OSD Identification Plate**

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

(Reason: To promote the ongoing maintenance of the on-site stormwater detention system)

**109. DAOCH04 - Evidence of Consolidation**

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

(Reason: Information)

**110. 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 engineers.

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

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

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

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

**112. DAOCI01 - Relocation of Street signs & power pole and line marking modification**

Approval of the Cumberland Traffic Committee is to be obtained for the relocation of street sign/s and modification to line markings affected by the development. Relocation and line marking is to be in accordance with the terms of the approval from the Traffic Committee.

Clearance letters shall be submitted from relevant authorities for the relocation of the street sign and power pole.

(Reason: To ensure street signs and line marking are located in an approved and appropriate location)

**113. DAOCI12 - Positive Covenant - On Site Detention**

A positive covenant shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the on site detention system. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure proper upkeep and functionality of the on site detention system)

**114. DAOCI13 - Restriction of the Use of Land - On Site Detention**

A restriction on the use of land shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council preventing alteration to the on site detention system without the prior approval of the Council. Council shall be identified as the authority with power to release, vary or modify the restriction. The wording of the restriction shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure the on site detention system is not altered so as to adversely affect functionality of the system)

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

**115. DAOUA01 - Clinical Waste**

Suitably constructed waste disposal containers with securely fitting lids must be kept on the premises for the storage of any clinical waste prior to the final disposal of the waste material at a NSW Environmental Protection Authority approved facility. A licensed clinical waste contractor must be engaged to collect and dispose of the clinical waste generated on the site. Receipts of service must be kept specifying the volume collected and the dates of service. Contact details for the contractor and the receipts are to be produced to Council upon request.

(Reason: To ensure control of clinical waste)

**116. DAOUA02 -Sharps Waste Disposal**

The premises must be equipped with a sharps waste container, which complies with AS 4031:1992 Non-reusable containers for the collection of sharp medical items used in health care areas. Sharps waste must be disposed of to a facility that is licensed to receive sharps waste.

(Reason: To ensure safe disposal of sharps waste)

**117. DAOUA06 - Trading Outside the Building**

At no time may any signs, sound amplification equipment, or goods for sale or display be placed in outdoor areas without the prior consent of Council.

(Reason: Safety and amenity)

**118. DAOUA07 - Deliveries**

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 7:00am or after 6:00pm on weekdays and before 8:00am or after 3:00pm on weekends and public holidays.

(Reason: To control noise impacts)

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

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

(Reason: Ensure arrangements are in place for collection of business/trade commercial waste and recyclables)

**120. DAOUA10 - Removal of Litter and Graffiti**

The owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times. The owner of the building shall be responsible for the prompt removal of any graffiti from the building.

(Reason: To maintain a satisfactory level of amenity in the locality)

**121. DAOUA11 - Flashing Lights**

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

(Reason: Environmental protection)

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

The hours of operation are restricted to between:

Commercial/Retail

Monday to Friday - 7am to 6pm.

Saturday - 8am to 3pm.

Sunday and Public Holidays - 8am to 12pm.

Medical Centre

Monday to Friday - 8am to 6pm.

Saturday - 9am to 12pm.

Sunday - Closed.

Child Care Centre

Monday to Friday - 7am to 6pm.

Saturday - Closed.

Sunday - Closed.

(Reason: To minimise amenity impacts for nearby land)

**123. DAOUA19- Lighting Nuisance**

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

(Reason: Environmental amenity)

**124. DAOUA20 - Loading**

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

(Reason: Adequate servicing)

**125. DAOUA26 - Plan of Management**

The use shall be operated and managed in accordance with the Plan of Management, prepared by Early Education Solutions dated 7 December 2023 Version 3. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

**126. DAOUA33 - Use of the buildings/structures**

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

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

**127. DAOUB01 - Annual Fire Safety Statement**

Pursuant to section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the owner of the building shall furnish Council with an Annual Fire Safety Statement prepared by an accredited practitioner (fire safety). The Annual Fire Safety Statement shall be issued within 12 months of the date on which an annual fire safety statement was previously given, or if a Fire Safety Certificate has been issued within the previous 12 months, within 12 months after the Fire Safety Certificate was issued.

A copy of the Annual Fire Safety Statement shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue NSW; and
- b) Prominently displayed in the building.

(Reason: Fire safety)

**128. DAOUC04 - Air Emissions**

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

(Reason: To protect human health and the environment)

**129. DAOUC18 - No speakers or Amplified Sound Equipment Outside**

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

(Reason: To protect residential amenity)

**130. DAOUC19- Waste Management Plan**

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan prepared by Dickens Solutions, dated May 2024, reference 23183. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

**131. DAOUC28 - Liquid Trade Waste**

Liquid trade waste materials from the food premises are to be disposed of in accordance with the requirements of Sydney Water.

(Reason: To ensure compliance with health standards)

**132. DAOUD02- Landscape Maintenance - General**

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

(Reason: Safety and landscape amenity)

**133. DAOUE03 - Parking**

At least 50 car parking spaces numbered and line marked in accordance with the approved plans are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

**134. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**135. DAOUG03 - Centre-based Child Care Facility**

The centre must operate at all times in accordance with the terms of the separate approval and/or licence obtained from the Department of Education.

(Reason: Clarify approved use)

**136. DAOUG04 - Approved Child Capacity**

Approval is granted for a maximum child placement of 115 children.

Staff rates and child to staff ratio shall be in accordance with the Education and Care Service National Regulations.

(Reason: Clarify the terms of the approved use)

**137. DAOUH04 - Delivery Vehicle Size Limit**

The largest vehicle delivering to the premises shall be limited to a small rigid vehicle (SRV) as defined in Australian Standard AS2890.2:2018.

(Reason: To ensure delivery vehicles accessing the site reflect design limitations of the development and do not unduly obstruct or interfere with on site access and local traffic movement)

**138. DAOUZ01 - Limit of the consulting rooms (Ongoing use)**

Maximum consulting room shall be limited as follows:

- a) Consulting rooms within the medical centre shall be limited to four (4).

(Reason: to ensure consulting rooms' numbers within the development comply with the proposed parking spaces.)

## **Advisory Notes**

**139. 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)

**140. 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)

**141. DAANN03 - Dividing Fences**

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

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

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

(Reason: Advisory)

**142. 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)

**143. 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)

**144. 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)

**145. DAANN12 - Works/Construction Zones**

All buildings on a development site, comprising of 3 or more storeys require approval of a 'Works Zone' from Council. The applicant must apply to Council and pay the applicable fee. Provision of a works zone is subject to approval by the Cumberland Traffic Committee. The length and duration of a works zone will be determined by Council.

(Reason: Advisory)

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

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

(Reason: Advisory)

**147. 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)