

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2023/0695
Applicant:	Mr G Al Ali 21/47-55 John Street LEICHHARDT NSW 2040
Property Description:	46 Ferndell Street SOUTH GRANVILLE NSW 2142, Lot 2 DP 847254
Development:	Demolition of existing structures and construction of a warehouse complex comprising of 96 units, a 110 place centre-based child care facility, and at-grade car parking
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**

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

(Reason: Advisory)

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

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

<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
A-1102 Issue B	Demolition Plan	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1201 Issue B	Masterplan - Ground Floor	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1202 Issue B	Masterplan - Level 01	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1203 Issue B	Masterplan - Level 02	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1204 Issue B	Masterplan- Roof	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1205 Issue B	Warehouses - Typical layouts	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1206 Issue B	Large warehouse - Ground	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1207 Issue A	Large Warehouse - Level 01	Ghazi Al Ali Architect Pty Ltd	08/11/2023
A-1208 Issue A	Large Warehouse - Level 02	Ghazi Al Ali Architect Pty Ltd	08/11/2023
A-1209 Issue A	Large Warehouse- Roof	Ghazi Al Ali Architect Pty Ltd	08/11/2023
A-1210 Issue B	Childcare- Ground floor	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1211 Issue B	Childcare- Level 01	Ghazi Al Ali Architect Pty Ltd	14/05/2024

A-1212 Issue B	Childcare - roof	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1301 Issue B	Warehouse-Elevations	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1302 Issue B	Warehouse-Elevations	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1303 Issue B	Large Warehouse - Elevations	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1304 Issue B	Large Warehouse - Elevations	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1305 Issue B	Childcare - Elevations	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1306 Issue B	Childcare - Elevations	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1401 Issue B	Warehouses - Sections 01-2 Storey	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1402 Issue B	Warehouses - Sections 01 - 3 Storey	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1403 Issue A	Large Warehouse - Sections	Ghazi Al Ali Architect Pty Ltd	08/11/2023
A-1404 Issue B	Childcare - Sections	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1405 Issue B	Childcare - Sections	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-1406 Issue B	Warehouse - Driveway	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-2201 Issue B	Material Schedule - Warehouses	Ghazi Al Ali Architect Pty Ltd	14/05/2024
A-2202 Issue A	Material Schedule - Large Warehouse	Ghazi Al Ali Architect Pty Ltd	08/11/2023
A-2203 Issue A	Material Schedule - Childcare	Ghazi Al Ali Architect Pty Ltd	08/11/2023
LPDA 24-60 Sheet LP-00 Issue D	Master Plan	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-01 Issue D	Landscape Plan 01	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-02 Issue D	Childcare centre - GF	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-03 Issue D	Childcare centre - L1	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-04 Issue D	Landscape Plan 02	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-05 Issue D	Landscape Plan 03	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-06 Issue D	Landscape Plan 04	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-07 Issue D	Landscape Plan 05	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-08 Issue D	Landscape Plan 06	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-09 Issue D	Landscape Plan 07	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-10 Issue D	Landscape Plan 08	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-11 Issue D	Landscape Plan 09	Conzept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-12 Issue D	Landscape Plan 10	Conzept Landscape Architects	20/05/2023

LPDA 24-60 Sheet LP-13 Issue D	Specification & Details	Concept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-14 Issue D	Details	Concept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-15 Issue D	Details	Concept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-16 Issue D	Details	Concept Landscape Architects	20/05/2023
LPDA 24-60 Sheet LP-17 Issue D	Sections	Concept Landscape Architects	20/05/2023
SW02 Rev01	Sediment Control Plan	Australiawide Consulting Services P/L	08/05/2024
SW03 Rev01	Roof Drainage Plan	Australiawide Consulting Services P/L	08/05/2024
SW04 Rev01	Level 2 Drainage Plan	Australiawide Consulting Services P/L	08/05/2024
SW05 Rev01	Level 1 Drainage Plan	Australiawide Consulting Services P/L	08/05/2024
SW06 Rev01	Site Drainage Plan	Australiawide Consulting Services P/L	08/05/2024
SW07 Rev01	OSD Details	Australiawide Consulting Services P/L	08/05/2024
SW08-A Rev01	MUSIC Model	Australiawide Consulting Services P/L	08/05/2024
SW08-B Rev01	MUSIC Model -Area Breakdown	Australiawide Consulting Services P/L	08/05/2024
Unnumbered	Plan of Management - CCC	Ology Early Childhood Consulting	November 2023
231423-02L-DD	Acoustic Report	Acoustic Consulting Engineers	18 October 2023
Project number: 0228	Air Quality Assessment Report	Zephyr Environmental	15 May 2024
E23131-1-Rev A	Targeted Detailed Site Investigation	Geotechnical Consultants Australia	20 May 2024
E23131-1-Rev A	Access Compliance Report	Essential Access	25 September 2023
Project No 5535	Arboricultural Impact Assessment	Tree Talk Arboricultural Consulting	December 2023
Unnumbered	National Construction Code Report - Industrial Warehouse Buildings	Design Right Consulting	7 November 2023
Unnumbered	National Construction Code Report - Early child care centre	Design Right Consulting	7 November 2023
Job No. 1559	NCC Part J Energy Efficiency Report - Child care centre	Sustainable Thermal Solutions	21 November 2023
Job No. 1559	NCC Part J Energy Efficiency Report - Warehouse Units	Sustainable Thermal Solutions	21 November 2023
Unnumbered	NABERS	Ghazi Al Ali Architect	Undated
REF-23172	Waste Management Plan - Industrial development	Dickens Solutions	October 2023
REF-23172(B)	Waste Management Plan - Child Care Centre	Dickens Solutions	October 2023

For comprehension of approved levels, reference has been made to survey plan reference Sheets 1-13 Issue B prepared by CitiSurv Pty Ltd dated 08/02/2024.

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

3. DAGCZ01 - Prohibition of storage and processing of dangerous material

This approval does not include the storage, processing, handling and/or use of any dangerous goods, hazardous chemicals, materials and/or products which would require SafeWork notification of such material at the premises.

(Reason: To protect human health, life, property and or the biophysical environment)

4. DAGCZ02 - Surface runoff

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

(Reason: to prevent adverse impact on adjoining properties)

5. DAGCZ03 - Service relocation / Adjustment

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

(Reason: to protect utility services)

6. DAGCZ04 - Bond positive covenant

The applicant shall lodge with Council a **\$7360** 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)

7. DAGCZ05 - No approval for the use of the warehouse buildings/tenancies

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

(Reason: Information)

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

8. 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)

9. 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)

10. 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)

11. 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)

12. 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:

- Identification of any noise sensitive receivers near to the site;
- 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;
- 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.
- 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;
- Details of the noise and vibration monitoring that is to be undertaken during works;
- 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)

13. DAPDB11 - Hazardous Materials Survey Required

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

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

14. 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)

15. DAPDB13 - Sediment and Erosion Control Plan - Large sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the Landcom's Managing Urban Stormwater: Soils and Construction - Volume 1, commonly known as the 'Blue Book'. A copy of the plan must be kept on-site at all times and made available to Council officers on request.

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

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

16. DACCA01 - Amendments to Approved Plans

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

- a) Stormwater plans and landscape plan are to ensure that all pipes are to be realigned outside the Structural Root system (SRZ) of trees to be retained as outlined in the Arborist report. The filtration system will need to be relocated outside the Tree Protection Zone (TPZ) of tree T3 unless it is supported by the arborist. These plans shall be submitted to and approved by Cumberland Council's Executive Manager City Planning and Development.
- b) A Plan of Management (PoM) shall be prepared for the general operation of the warehouse component of the development. This PoM shall also a crime risk assessment for the general operations of the warehouses. The PoM 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)

17. 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)

18. 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)

19. 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)

20. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$6860.00 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

21. 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)

22. 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 \$472,553.00 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)

23. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspections	\$276.50 x 2 = \$553.00	Prior to the issue of the CC
Damage Deposit	\$6860.00	Prior to the issue of the CC
Sect. 7.12 Contributions	\$472,553.00 + CPI	Prior to the issue of the CC
Bond to cover registration of a Positive Covenant and Restriction as to User over	\$7360.00	Prior to the issue of the CC

the On-site Detention system		
Construction Traffic Management Plan	\$374.00	Prior to the issue of the CC
Kerb Crossing Bond (Related to Driveways)	\$6,385.00 per crossing = \$12,770.00	Prior to the issue of the CC
Driveways Inspections	\$405 per crossing = \$810.00	Prior to the issue of the CC
TOTAL	\$500,943.00 + CPI where applicable	

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

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

(Reason: Statutory requirement and information)

24. 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)

25. 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)

26. 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 46 Ferndell Street, South 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:

- Prepared and submitted in electronic format, undertaken by a consulting civil engineer,
- Approved in writing by Council under section 138 of the *Roads Act 1993*, prior to the issue of the *Construction Certificate*,
- All civil engineering works adjacent 46 Ferndell Street, South 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)

27. DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

In accordance with section 138 of the *Roads Act 1993* and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

28. 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)

29. 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)

30. 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)

31. 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)

32. 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)

33. DACCF08 - Tree Planting

At least one tree with a mature height of 5m or greater is to be provided in accordance with the landscape plan. Minimum standards for soil areas and depths are to be in accordance with the following table:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m

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

34. DACCF09 - Sight Distance

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

(Reason: Safety)

35. DACCF10 - Tree Preservation - Driveway or Paving Works within the Tree Protection Zone (TPZ)

For approved driveway and or paving works within the Tree Protection Zone, as defined in section 3 of AS 4970 - 2009 'Protection of Trees on Development Sites' of trees to be retained, the driveway/paving must be constructed to ensure that the maximum moisture infiltration and gaseous exchange to the tree root system are maintained. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an Australian Qualification Framework Level 5 Project Arborist to the satisfaction of the Council or registered certifier:

Tree Number	Species	Location
1	Gum tree - Mahogany	Front of site
2	<i>Angophora costata</i> (Sydney red gum)	Front of site
3	Gum tree - Eucalyptus sp.	Front of site

Refer to AIA report prepared by Tree Talk Arboricultural Consulting dated Dec 2023

(Reason: Tree preservation)

36. 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)

37. DACCG05 - Off Street Car Parking - General

A minimum of 156 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)

38. 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)

39. 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)

40. DACCI03- Substation /Fire Hydrant Boosters

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

(Reason: Streetscape amenity)

41. 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)

42. 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)

43. 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)

44. 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)

45. DACCL01 - Electricity Substation

Documentary evidence of compliance with the relevant energy authority's requirements is to be provided to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Access to utility)

46. DACCL02 - Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to Council or registered certifier prior to the issue of a Construction Certificate, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

47. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment / relocation of telecommunications infrastructure shall be borne in full by the applicant / developer.

(Reason: Ensure the applicant is responsible for costs associated with adjustments)

48. 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 Acoustic Consulting Engineers dated 18 October 2023 reference 231423-02L-DD.

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

49. DACCL06- Waste Storage Area

A designated waste and recyclable storage room (for the centre based child care centre and Warehouse Unit 96) must be provided on the premises in accordance with the following requirements:

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

A detailed plan showing the design and location of the waste storage room must be submitted to Council or registered certifier with the Construction Certificate application.

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

50. DACCL09 - Fencing

Any new fencing on site shall comply with the following:

- a) The front fence shall not exceed 1.8m in height from natural ground level.
- b) All fencing along the principal street frontage is an open/permeable style, incorporating pickets, slats, palings or the like
- c) Fencing behind the front setback shall be a maximum of 2.1m and incorporated with appropriate landscaping.
- d) Chain wire fencing is not permitted.
- e) Solid metal panel fences (sheet metal or similar) of any height are not permitted along the street frontage or forward of the building alignment.

(Reason: Streetscape and amenity)

51. DACCM01 - Food Premises - Detailed Plans

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

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

52. DACCM02 - Food Premises - Waste Storage Area

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

- a) Suitably sized to contain all waste and recyclable material;
- b) Provided with a hose tap connected to the water supply;

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

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

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

53. 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)

54. 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 54b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$63,362.79
Total housing and productivity contribution	\$63,362.79

- b) The amount payable at the time of payment is the amount shown in condition 54a) 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, or before the commencement of any work authorised by this consent (if no construction certificate is required).
- 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).

55. DACCZ01 - Amended Stormwater Plans

Stormwater design shall address the following matters:

- i) The STORMFILTER discharge rate calculations shall be updated with the correct StormFilter quantity.
- ii) StormFilter discharge rate shall be deducted from the discharge control pit orifice design. In this regard orifice design shall be updated.

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

(Reason: to ensure stormwater design complies with Council's DCP and necessary information are provided)

56. DACCZ02 - Connection to Council's stormwater system - design

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

- a) Longitudinal section of the proposed stormwater outlet and connection details within the easement, 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.

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

57. DACCZ03 - Detail parking layout design

Parking design layout design shall address the following:

- a) Childcare parking space widths shall comply with the User Class 3A of the Australian standard AS2890.1.
- b) Warehouse parking space widths shall comply with the User Class 2 of the Australian standard AS2890.1.
- c) The design shall comply with Australian standards AS2890.1 and AS2890.6.

The detail design showing the compliance of above requirements shall be submitted to and approved by Registered Certifier.

Copy of the approved documents shall be submitted to Council for record purposes.

(Reason: to ensure parking layout design complies with the Australian standard AS2890.1 and AS2890.6)

58. DACCZ04 - Written consent for the stormwater works within easement

Stormwater plan shows that stormwater is discharged into a stormwater pipe system located within easement. In this regard, benefited property owners' written consent shall be obtained for the proposed connection to the stormwater pipe system within the easement.

Documents showing compliance of above requirements shall be submitted to and approved by Principal Certifying Authority.

Copy of the documents shall be forwarded to Council for record purpose.

(Reason: to ensure appropriate written consent is obtained for the stormwater works within the easement)

59. DACCZ05 - Special footings

Special footings shall be provided where the proposed/existing structure is adjacent to drainage easement. The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser.

The footings shall be located clear of the easement and designed by a practising structural engineer. Details are to be submitted to and approved by Principal Certifying Authority.

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

60. DACCZ06 - 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,

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of the condition 2 of this consent.
- ii. 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.

(Reason: to prevent localised flooding)

61. DACCZ07 - 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 Principal Certifying Authority.

Copy of the approved plan shall be submitted to Council.

(Reason: to ensure Parking layouts comply with Australian Standard AS28890.1:2004.)

62. DACCZ08 - Minimum Headroom- adaptable parking spaces

If applicable, 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 headroom complies with AS2890)

63. DACCZ09 - 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.

(Reason: to ensure the access ramps comply with Australian Standard AS28890.1:2004)

64. DACCZ10 - Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or

easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in@ to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

(Reason: to determine if sewer, water or stormwater mains or easements will be affected by any part of your development)

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to their assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near Sydney Water assets, see Diagram 5 - Planting Trees within Sydney Water's Technical guidelines - Building over and adjacent to pipe assets.

(Reason: to protect Sydney Water's underground assets)

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

65. 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)

66. 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)

67. 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)

68. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

69. 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)

70. 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)

71. 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)

72. 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.

Tree Number	Species	Location
1	Gum tree - Mahogany	Front of site
2	<i>Angophora costata</i> (Sydney red gum)	Front of site
3	Gum tree - Eucalyptus sp.	Front of site

Refer to AIA report prepared by Tree Talk Arboricultural Consulting dated Dec 2023

The fencing must extend as per the measurements locations shown on the tree protection plans or the TPZs provided in the AIA report prepared by Tree Talk Arboricultural Consulting dated Dec 2023, 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.

In the event that a protected tree dies or is irreparably damaged during the works a replacement of like for like species in a minimum 75ltr pot ins to be installed as a replacement.

(Reason: Protection of trees to be retained)

73. DAPCZ01 - Drainage construction - Council's drainage within the subject site

Connection to Council's pipe drainage system 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)

Conditions which must be satisfied during any development work

74. 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)

75. 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)

76. 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)

77. DADWA04 - Acid Sulphate Soils

Any excavation works carried out on site shall be closely monitored to ensure no signs of potential or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site shall stop immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist shall be contracted to further assess the site.

(Reason: Environmental protection)

78. 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)

79. 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)

80. 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)

81. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

82. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

83. 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)

84. 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)

85. 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 characteristics 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 analysis 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 (1995) Sampling Design Guidelines.

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

86. 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)

87. 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)

88. 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)

89. 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;
- d) specify and supervise replacement planting with the same or similar species in no less than a 75ltr pot in the event that any protected tree is irreparably damaged, fails or dies during the works; and
- e) 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)

90. 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)

91. DADWB07 - Tree Preservation - Excavation within the Structural Root Zone (SRZ)

To minimise disturbance to retained trees, no excavation shall take place within the SRZ, as defined in section 3.3.5 of AS 4970 - 2009 'Protection of Trees on Development Sites'.

(Reason: Tree preservation)

92. 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)

93. 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)

94. 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:

- a) 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;
- b) The level of ground floor level form work and its relationship to boundaries prior to the placement of concrete at the ground floor level;
- c) 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;
- d) The level of the highest point of the building and its relationship to the boundary prior to roofing; and
- e) 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)

95. 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)

96. 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)

97. DADWC12 - Food Premises - Design, Construction and Fitout of Food Premises

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

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

98. 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)

99. 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)

100. DADWC15 - Mechanical Ventilation

The premises must be suitably ventilated in accordance with the *National Construction Code 2019* and AS1668.1 and 2 - 2012: The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards)

101. 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)

102. 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)

103. DADWC20 - Dewatering

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

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

(Reason: To minimise/prevent impacts on waterways)

104. 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)

105. 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)

106. DADWD03 - Critical Stage Inspections - General

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

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

(Reason: Statutory requirement)

107. 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

108. 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)

109. DAOCA03 - S73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to their mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation Certificate is issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the development)

110. 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)

111. DAOCA07 - Notification of Food Business

Prior to the issue of any Occupation Certificate, the food business must notify Council of their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements*, clause 4. Registration forms are available on Council's website.

(Reason: Registration and notification to relevant authorities)

112. DAOCA08 - Certification of Engineering Works

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category,
- b) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- c) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- d) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

- e) Approved verses installed Drainage Design (OSD) Calculation Sheet. And
- f) Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or
- (iv) the basement mechanical pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

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

The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

(Reason: Asset management)

113. DAOCA10 - Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

(Reason: To clearly identify the street number of the property)

114. 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)

115. DAOCA12 - Construction of Concrete Footpath

A concrete footpath adjacent to the front of the property as per Council's requirements at no cost to Council.

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

The above works must be constructed prior to the release of any Occupation Certificate.

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

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

116. DAOCB01 - Mechanical Ventilation - Compliance

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

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

117. 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 Acoustic Consulting Engineers 231423-02L-DD dated 18 October 2023 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)

118. DAOCB06 - Monitoring of Field Parameters

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

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

119. DAOCE02 - Evacuation Plan - Child Care Centres

Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan complying with AS3745 -2010 shall be prepared and implemented. The emergency evacuation plan shall take into account and address:

- a) the mobility of children and how this is to be accommodated during an evacuation;
- b) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- c) in circumstances where the centre is part of a larger building or complex, that the emergency evacuation plan is complementary to and consistent with other emergency evacuation plans in place; and
- d) the supervision of children during the evacuation having regard to the child to staff ratios.

Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels), so that groups of babies can be quickly evacuated.

(Reason: Safety)

120. 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)

121. DAOCF03 - Arborist's Report - Follow up

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

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

(Reason: Ensure survival of trees to be retained)

122. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

123. DAOCH02 - Covenant for Stormwater Infrastructure

Prior to the issue of an Occupation Certificate, a positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council for the ongoing retention, maintenance and operation of the stormwater system inclusive of any on-site stormwater detention, together with any related compensatory flood storage, overland flowpath, pollution control device, mechanical pump-out system or charged line system. Council shall be identified as the authority with power to release, vary or modify the covenant.

(Reason: Compliance and adequate maintenance of the stormwater system)

124. 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)

125. DAOCZ01 - Structural Engineering Certificate

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

(Reason: to ensure the construction is structurally adequate)

126. DAOCZ02 - Maintenance schedule

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

(Reason: to ensure the onsite detention facility is in good working order)

127. DAOCZ03 – Blueberry Ash

Prior to the issue of the occupation certificate, the applicant shall ensure that the five (5) *Elaeocarpus reticulatus* (Blueberry Ash) marked in the car park areas to the rear of the Centre Based Child Care Centre and Warehouse unit 96 as shown on the landscape plans identified in condition 2 of this consent as Sheet LP-00, LP-01 and LP-06 Issue D dated 20 May 2023 prepared by Conzept Landscape Architects have pot sizes of no less than 75 Litres.

(Reason: to clarify the terms of approval)

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

128. 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)

129. DAOUA07 - Deliveries

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 6:00am or

after 6:30pm on weekdays and before 7:00am or after 2:00pm on weekends and public holidays.

(Reason: To control noise impacts)

130. 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)

131. DAOUA14 - Hours of Business Operation

The hours of operation to the warehouses are restricted to between:

- Monday to Friday 6:00am-6:00pm
- Saturday 7:00am - 2:00pm.

The hours of operation to the centre based child care centre are restricted to between:

- Monday to Friday 7:00am-6:30pm (excluding public holidays).

(Reason: To minimise amenity impacts for nearby land)

132. 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)

133. 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)

134. DAOUA26 - Plan of Management

The use shall be operated and managed in accordance with the Plan of Management, prepared by Ology Pty Ltd dated November 2023. 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)

135. 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)

136. 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)

137. DAOUC03 - Microbial Control

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- a) *Public Health Act 2010* and *Public Health Regulation 2022*
- b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
- c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety)

138. 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)

139. DAOUC12 - Notification of Warm Water and Cooling Water Systems

Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with *the Public Health Act 2010*. Registration forms are available from Council's website www.cumberland.nsw.gov.au.

(Reason: To ensure premises are notified to Council)

140. DAOUC13 - Storage/Display of Goods/Machinery

No goods or machinery can be placed outside the confines of the shop area.

(Reason: Health and safety)

141. DAOUC14 - General Noise Emission Criteria

Cumulative noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.

An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time.

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

(Reason: To protect residential amenity)

142. DAOUC17 - Structure Borne Noise

Structure borne noise emitted from the development must not exceed the following criteria when measured inside any separate sensitive noise receiver at any time:

- a) Residential receivers: LA1, Slow 15 minute \leq LA90, 15 minute + 0 dB(A)
- b) Commercial receivers: LA1, Slow 15 minute \leq LA90, 15 minute + 3 dB(A)

(Reason: To protect residential amenity)

143. 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)

144. DAOUC24 - Charcoal and Solid Fuel Cooking Prohibited

No charcoal or solid fuel cooking activities are permitted on the premises.

(Reason: To manage odours and safety)

145. 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)

146. 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)

147. DAOUE03 - Parking

At least 154 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)

148. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

149. DAGCA14 - 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)

150. DAOUG05 - General standards for Warm Water and Cooling Water Systems

All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the *Public Health Act 2010*, *Public Health Regulation 2022*, and relevant parts of AS 3666 Air handling and water systems of buildings - Microbial control.

(Reason: To ensure compliance with health standards for infection control)

151. DAOUZ01 - Approved Child Capacity

Approval is granted for a maximum child placement of one hundred and ten (110) 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)

152. DAOUZ02 - Noise Emission Criteria

In the event of Council's Authorised Officers receiving justified noise complaints from nearby residential receivers resulting from operation of the premises related to this consent, the site operator shall, at their own expense, engage a suitably qualified acoustic consultant to undertake a noise assessment in accordance with the requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). The assessment must include background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI and make recommendations on how any identified noise impacts can be addressed. These recommendations must then be implemented by the site operator in a timely manner.

(Reason: to protect residential amenity and minimise noise disturbance)

153. DAOUZ03 - Annual maintenance inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance logbook shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner.

(Reason: to ensure the onsite detention facility is in good working order)

154. DAOUZ04 - Delivery/Service vehicles

The largest vehicle to service the subject site shall not exceed a Medium Ridged Vehicle (MRV).

(Reason: Clarify the terms of approval)

Advisory Notes

155. 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)

156. 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)

157. 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)

158. 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)

159. 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)

160. 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)

161. 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)

162. DAANN13 - Work Health and Safety

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

(Reason: Advisory)

163. 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)

164. DAANN22 - Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

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

(Reason: Information)

165. DAANZ01 - Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at [<businesscustomers@sydneywater.com.au>](mailto:businesscustomers@sydneywater.com.au)

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a

sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

(Reason: Information)

166. DAANZ02 - Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

(Reason: Information)

167. DAANZ03 - Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

(Reason: Information)

168. DAANZ04 - Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer

Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:
<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or
[<businesscustomers@sydneywater.com.au.>](mailto:businesscustomers@sydneywater.com.au)

(Reason: Information)