

**DEVELOPMENT APPLICATION  
DRAFT CONDITIONS OF CONSENT**

Under the *Environmental Planning and Assessment Act, 1979*

<b>Application No:</b>	DA2024/0085
<b>Applicant:</b>	Cumberland Council PO Box 42 MERRYLANDS NSW 2160
<b>Property Description:</b>	Church Street, LIDCOMBE, NSW 2141 (Wyatt Park), Lot 7046 DP 1065005, Lot 1 DP 581438
<b>Development:</b>	Demolition of existing pergola and concrete slab, construction of a two storey dedicated training and performance indoor recreation facility known as the Auburn Basketball Centre including associated signage and landscaping works.
<b>Determined by:</b>	Sydney Central City Planning Panel

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

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

(Reason: Advisory)

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

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

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
Drawing Number A.0000	Coversheet	Facility Design Group	8/2/2024
Drawing Number A.050 Rev B	Site Plan	Facility Design Group	17/7/2024
Drawing Number A.051	Site Analysis Plan with Aerial	Facility Design Group	8/2/2024
Drawing Number A.057	Gross Floor Area Plan	Facility Design Group	8/2/2024
Drawing Number A.058	Demolition Plan	Facility Design Group	8/2/2024
Drawing Number A.100	Ground Floor Plan	Facility Design Group	8/2/2024
Drawing Number A.101	Level 01 Floor Plan	Facility Design Group	8/2/2024
Drawing Number A.102	Roof Plan	Facility Design Group	8/2/2024
Drawing Number A.104	Front of House	Facility Design Group	8/2/2024
Drawing Number A.400	Typical Sections and Images	Facility Design Group	8/2/2024
Drawing Number A.500	Elevations	Facility Design Group	8/2/2024
Drawing Number A.1000	Colourboard	Facility Design Group	8/2/2024
3921.DA.00 Issue 2	Cover Sheet	Environmental Partnership	13/6/2024
3921.DA.01 Issue 2	Landscape Plan	Environmental Partnership	13/6/2024
3921.DA.02 Issue 2	Landscape Details	Environmental Partnership	13/6/2024
Drawing Number 102097-	Cover Sheet	Mott Macdonald	7/6/2024

MMD-DA-00-DR-0001 Revision P2			
Drawing Number 102097-MMD-DA-00-DR-0002 Revision P1	General Notes	Mott Macdonald	29/2/2024
Drawing Number 102097-MMD-DA-00-DR-0005 Revision P1	Soil and Erosion Plan	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR-0006 Revision P1	Soil and Erosion Details	Mott Macdonald	29/2/2024
Drawing Number 102097-MMD-DA-00-DR-0010 Revision P1	Earthworks Cut and Fill Plan	Mott Macdonald	29/2/2024
Drawing Number 102097-MMD-DA-00-DR0015 Revision P2	General Arrangement Plan	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0017 Revision P2	Stormwater Plan	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0020 Revision P1	Roof Plan and OSD Catchment Plan	Mott Macdonald	29/2/2024
Drawing Number 102097-MMD-DA-00-DR0025 Revision P1	Site works and Stormwater Details	Mott Macdonald	29/2/2024
Drawing Number 102097-MMD-DA-00-DR0026 Revision P2	Onsite Detention Sections Sheet 1 of 2	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0027 Revision P2	Onsite Detention Sections Sheet 2 of 2	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0035 Revision P1	Retaining Wall Plan	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0040 Revision P1	Retaining Wall Section Sheet 1 of 2	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0041 Revision P1	Retaining Wall Section Sheet 2 of 2	Mott Macdonald	7/6/2024
Drawing Number 102097-MMD-DA-00-DR0042 Revision P1	Block Retaining Wall Detail	Mott Macdonald	7/6/2024
Final Report	Aboriginal Heritage Due Diligence Heritage Assessment	Navin Officer Heritage Consultants Pty Ltd	February 2024
Revision A	Arboricultural Impact Assessment Report	Hugh The Arborist	15 February 2024
JBS&G 65616   155,602	Detailed Site Investigation	JBS and G	14 February 2024
JBS and G 65616 / 156,415	Remedial Action Plan	JBS and G	14 February 2024
Revision D	Waste Management Plan	WSP	15 February 2024
-	Operational Management Plan - Sydney Kings and	Unnamed	28/3/2024 (Received by Council)

	Sydney Flames High Performance Centre - Wyatt Park Lidcombe		
JBS and G 65616 / 156,862	Acid Sulphate Soils Management Plan	JBS and G	14 February 2024
PSM5181-002R Rev 1	Geotechnical Report	PSM	14 February 2024
Reference 230674 Revision R5	Acoustic Impact Assessment Development Application	Pulse White Noise Acoustics	9 February 2024
JBS and G 6630096 / 156,511	Asbestos Management Plan	JBS and G	14 February 2024

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

### 3. **DAGCA03 - Conditions Approval and service authorities**

The following conditions provided by Transport for New South Wales (Sydney Trains) are to be complied with.

- a) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- b) Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- c) If required by Sydney Trains, prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- d) No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- e) The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- f) Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- g) The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- h) The Applicant/Developer shall not at any stage, block the corridor access gate on Percy Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- i) No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained

from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

- j) Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:
- Machinery to be used during excavation/construction.
  - Demolition, excavation, and construction methodology and staging.
- k) The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- l) Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- m) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- n) No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- o) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- p) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- q) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au) <[mailto:Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au)>.
- r) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

(Reason: Statutory compliance)

The following conditions provided by Sydney Water are to be complied with.

## **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.

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

## **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.

In this regard, no trees shall be placed in proximity of Sydney Water's underground assets.

(Reason: Statutory compliance)

### **4. DAGCZ01 - 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. DAGCZ02 - Sediment control**

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during excavation and construction to prevent sediment and polluted waters discharging from the site.

(Reason: to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring)

### **6. 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)

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

### **7. 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)

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

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

To minimise impacts on trees to be retained access to and from the site from the street is to be determined prior to site set up. The Project Manager is to determine a route that best serves the Park users and construction requirements while ensuring access to TPZs of trees is minimised. Appropriate ground protection, designed by an AQF Level 5 Arborist will be required if any access into TPZs is required.

(Reason: Tree Preservation and Protection)

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

A site specific Noise Management Plan shall be developed and submitted to the Council or registered certifier prior to the commencement of any demolition, excavation and construction works on site. The Plan must be prepared by a suitably qualified Acoustic Consultant, being a consultant who holds a current member grade of the Australian Acoustical Society.

The Plan must include but not be limited to the following:

- a) Identification of any noise sensitive receivers near to the site;
- b) A prediction as to the level of noise and vibration impact, including the likely number of high noise intrusive appliances/equipment likely to affect the nearest noise sensitive receivers;
- c) A statement outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of noise criteria, then details of the following must be included in the plan:
  - Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
  - Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- d) Confirmation of the level of community consultation that has or will be undertaken with the occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during demolition and excavation phases;
- e) Details of the noise and vibration monitoring that is to be undertaken during works;
- f) The type of action will be undertaken following receipt of a complaint concerning offensive noise or vibration, including nomination of a site contact.

(Reason: Environmental and residential protection)

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

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

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

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

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

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

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

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

- a) The flood lights for the netball courts situated at the north western corner of the site shall be protected during construction and retained.
- b) The retaining walls adjacent to the adjacent road and car park shall be lit at night or streetlights shall be installed to improve CPTED and general safety.

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

#### **12. DACCA02 - Application for a Construction Certificate**

Construction work must not commence until the relevant Construction Certificate has been obtained from Council or a registered certifier.

(Reason: Statutory requirement)

#### **13. DACCA03 - Disabled Access & Facilities**

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

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

#### **14. 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)

#### **15. DACCE02 - Construction Management Plan**

Prior to the issue of the relevant Construction Certificate, a Construction Management Plan shall be submitted to the Council or registered certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork and the like.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a qualified civil engineer.

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

**16. DACCE03 - Construction Traffic Management Plan (CTMP)**

Prior to the issue of the relevant Construction Certificate, the applicant shall submit and have approved by Council, a detailed CTMP. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved CTMP.

The following matters must be addressed in the CTMP:

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.
- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant traffic control plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant pedestrian management plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

**17. 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 relevant 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)

**18. DACCF03 - Landscape Plan**

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

The plan must include the following information:

- a) the location of all existing and proposed landscape features including materials to be used;
- b) delineate and identify all trees to be retained, removed or transplanted;
- c) existing and proposed finished ground levels;
- d) top and bottom wall levels for both existing and proposed retaining walls and free standing walls;



- e) proposed locations of stormwater pits and on site detention locations; and
- f) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. At least 50% of the tree and shrubs shall be species native to the region.

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

(Reason: Landscape quality)

## 19. **DACCF08 - Tree Planting**

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
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)

## 20. **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 moisture infiltration and gaseous exchange to the tree root system are maximised. 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:

Species	Location
Eucalyptus Microcorys (Tallow wood)	Southern extent of the site

If the event that the tree dies or is removed due to the disturbance of roots an advanced replacement tree of the same species is to be planted in the same location. The pot size of the replacement is to be greater than 200 litre.

(Reason: Tree preservation)

## 21. **DACCI04- Site Cranes**

Site crane/s and hoist/s proposed within the boundary of the land being developed must comply with all relevant parts of Australian Standards 1418, 2549 and 2550. Cranes must not swing or hoist over any public place unless approval has been obtained under the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

## 22. **DACCJ01 - Detailed Stormwater Drainage System Design**

Prior to the issue of 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, engineering policies, the approved plans and reports. 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)

## 23. **DACCJ03 - Certification of the Stormwater Drainage System Design**

Prior to the issue of Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and Condition number 22 of this development consent and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

**24. DACCK06 - Retaining Walls**

Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with the relevant Construction Certificate application.

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

**25. DACCK07 - Structural Engineer's Details**

Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted with the relevant Construction Certificate application to the Council or registered certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

**26. DACCL02 - Telecommunications**

If the development is 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 the relevant Construction Certificate, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

**27. 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)

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

Prior to the issue of the relevant Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by Pulse White Noise Acoustics dated 9 February 2024 and reference number 230674.

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

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

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

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

**30. 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 by the Council or registered certifier prior to the issue of the relevant Construction Certificate.

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

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

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

(Reason: To ensure adequate mechanical ventilation is provided)

**32. DACCZ01 - Incorporation of Soil Vault System**

Prior to the Issuing of the relevant Construction Certificate, the applicant in consultation with a suitably qualified landscape designer/architect are to incorporate Stratacell soil vault system (or a similar system) for the tree located in paving on the southern side of the building. This is to ensure that the proposed planting has sufficient soil volume to reach their full growth potential.

(Reason: To ensure the site landscaping thrives)

**33. DACCZ02 - Driveway Ramp**

The driveway ramp leading to the loading bay shall be designed to comply with the relevant section of AS 2890.1 and AS2890.2. In this regard, detail demonstrating compliance with this condition are to be submitted to the Registered Certifier prior to the issue of the relevant construction certificate.

(Reason: Access)

**34. DACCZ03 - Loading bay Standards**

Loading bay facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.2 - Off-street commercial vehicle facilities. In this regard,

1. Access to the on-site loading bay area including driveway and circulation roadways shall be designed for safe forward in and forward out access of a 12.5m heavy rigid vehicle (HRV) in accordance with AS2890.2:2018.
2. Loading bay shall be designed as per Section 4 in AS2890.2.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier prior to the issue of the relevant construction certificate.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles)

**35. DACCZ04 - Vehicular Swept Paths**

Vehicular manoeuvring paths must be provided to demonstrate that a 12.5m long heavy rigid vehicle (HRV) can enter and depart the site in a forward direction without any disruptions in traffic flows and encroaching structures. The drawings must be compliant with Australian/New Zealand Standards AS/NZS2890.2. The Plans prepared by a suitably qualified Engineer shall be submitted to and approved by the Council or the registered certifier prior to the issue of the relevant Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles)

**36. DACCZ05 - Flooding**

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

- a) the relevant Construction certificate plans comply with Council's flood advice letter, Council's Flood Risk Management Policy and NSW Floodplain Development Manual 2023.
- b) Floor levels comply with Council's Flood Advice Letter.
- c) Overland flow paths through the site are maintained.
- d) The development has no adverse impact on flood levels and/or adjoining properties.

The written verification shall be submitted to and approved by the Registered Certifier.

(Reason: to ensure construction plans comply with the approved flood study report and Council's Flood Advice Letter)

**37. DACCZ06 - Water Sensitive Urban Design (WSUD)/ Water Quality measures**

In accordance with the section 5.5 under Civil Concept Design Report prepared by Mott MacDonald (Ref: 703102097, Issue B and Dated 7th June 2024), Water Quality measures shall be incorporated as a part of Site Stormwater Management. Details shall be submitted to the certifying authority prior to the issue of Construction Certificate.

(Reason: To ensure appropriate stormwater management)

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

**38. DAPCA01 - Appointment of Principal Certifier**

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

- a) The relevant Construction Certificate for the building work has been obtained.
- b) The person having the benefit of the development consent has:
  - (i) appointed a principal certifier for the building work, and
  - (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifier of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(Reason: Statutory requirements)

**39. 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)

**40. 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)

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

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

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

(Reason: Statutory requirement)

**42. 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)

**43. 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
T16	Lophostemon Confertus	Existing fence around Lidcombe Oval or as nominated by the Project Arborist.
T17	Jacaranda Mimosifolia	Existing fence around Lidcombe Oval or as nominated by the Project Arborist.
T18	Hymenosporum Flavum	Existing fence around Lidcombe Oval or as nominated by the Project Arborist.
T19	Eucalyptus Microcorys	9.4 metres or as nominated by the Project Arborist.

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

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

(Reason: Protection of trees to be retained)

**44. DAPCD01 - Council Drainage Assets - Dilapidation Report**

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

(Reason: Protection of Council assets)

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

#### **45. 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)

#### **46. 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)

#### **47. 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)

#### **48. 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)

**49. 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)

**50. 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)

**51. 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.
- b) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- c) Any demolition and excess construction materials are to be recycled wherever practicable.
- d) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- e) 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*.
- f) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
- g) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
- h) 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.
- i) 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.
- j) 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.

(Reason: To ensure protection to public spaces and prevent unauthorised access to the site)

**52. DADWA09 - Electricity and Telecommunication Connections - New Commercial Development**

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

**53. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

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

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

(Reason: To protect residential amenity)

**55. 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)

**56. 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's Sampling design guidelines (2022)*.

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

**57. 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, the relevant 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)

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

All recommendations contained in the approved Acid Sulphate Soils Management Plan prepared by JBS and G reference JBS and G 65616 I 156,862 dated 14 February 2024 must be implemented and complied with during all development works.

(Reason: Environmental protection)

**59. DADWB01 - Arborist Inspections**

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

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

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



**60. 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)

**61. 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)

**62. 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)

**63. 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)

**64. 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)

**65. 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)

**66. 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)

**67. DADWC18 - Land Remediation (no auditor engaged)**

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by JBS&G dated 14 February 2024 reference JBS&G 65616 | 156,415. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions or recommendations about site contamination must be immediately notified to the Principal Certifier. Any required variations to the Remedial Action Plan must be documented and approved by a suitably qualified environmental consultant, with a copy of the documentation provided to Council.

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

**68. 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)

**69. DADWD02 - Demolition - Asbestos**

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

**70. 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 the relevant 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)

**71. DADWZ01 - Inspection of Works - On Site Detention System**

The stormwater drainage works are to be inspected during construction, by the Council or by a practicing suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank.
- b) Prior to landscaping of the detention basin or pouring of the roof of the detention tank.
- c) Prior to back fill following laying pipe.
- d) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.
- e) Final Inspection.

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

(Reason: To ensure compliance of civil works with Council's specification for engineering works)

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

**72. 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 the relevant Occupation Certificate has been issued in relation to the building or part. Before issuing the relevant 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)

**73. DAOCA03 - S73 Compliance Certificate**

A section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of the relevant Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website to learn more about applying through an authorised WSC or Sydney Water.

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

**74. 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)

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

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

- a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
- b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
  - the stormwater drainage system.
  - the driveway ramp.
  - the loading bay.

(Reason: Asset management)

**76. DAOCB04 - Acoustic Verification Report**

Prior to the issue of the relevant 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 Pulse White Noise Acoustics dated 9 February 2024 reference 230674 Revision R5 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)

**77. DAOCD01 - Fire Safety Certificate**

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

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

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

(Reason: Fire safety)

**78. DAOCF01 - Landscape Works**

Prior to the issue of the relevant 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)

**79. 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 relevant 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; and

- d) any future or on-going remedial work required to be carried out to ensure the long-term retention of the tree/s.

(Reason: Ensure survival of trees to be retained)

**80. DAOCF05 - Unpaved grassed area within the extent of works**

The unpaved area within the site impacted by the works shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

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

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

(Reason: Adequate stormwater management)

**82. DAOCG02 - Noise Limiter**

Prior to commencement of use:

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

(Reason: To protect residential amenity)

**83. DAOCH02 - Covenant for Stormwater Infrastructure**

Prior to the issue of the relevant 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)

**84. DAOCH03 - OSD Identification Plate**

Prior to the issue of the relevant 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)

**85. DAOCH09 - Completion of Public Road Assets and Carpark under separate approval**

To ensure future proposed civil works including carpark, public roads, vehicular crossings, pedestrian footpaths, kerbing, guttering and any stormwater drainage works under separate Council's approval are completed and the relevant occupation certificate is not to be issued until such time as a completion certificate has been obtained from Council's Asset Engineer.

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

**86. DAOCZ01 - Operational Management Plan for Internal Carpark**

Prior to issue of the relevant Occupation Certificate, the Operational Plan of Management Plan is to be updated to cover the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.

The updated Plan of Management is to be submitted and approved by Council prior to the issue of any Occupation Certificate. A copy of the approved management plan shall be submitted to Council.

(Reason: to provide lodgers with adequate information to ensure the operation of the carpark is carried out with minimum disruption to internal traffic and parking)

**87. DAOCZ02 - Flood Evacuation**

An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate. A copy of the report shall be attached to the relevant Occupation Certificate when forwarded to Council.

(Reason: to make property owners/residents aware of the procedure in the case of flood)

**88. DAOCZ03 - Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works.

The post-construction / demolition dilapidation report must be submitted to Council for review. Any damage to Council's stormwater infrastructure is to be rectified prior to the issue of the relevant Occupation certificate.

(Reason: Protection of Council's infrastructure.)

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

**89. 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)

**90. 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)

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

The hours of operation are restricted to between:

8:00am to 10:00pm	Monday to Friday
8:00am to 5:00pm	Saturday and Sunday

(Reason: To minimise amenity impacts for nearby land)

**92. 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)

**93. DAOUA23 - Restaurant/Cafe Serviced Area - Furniture Location**

All furniture must be kept inside the building within the restaurant/cafe area as shown on the approved plans.

(Reason: To ensure compliance with approved plans)

**94. DAOUA26 - Plan of Management**

The use shall be operated and managed in accordance with the Operational Plan of Management, Titled Sydney Kings and Sydney Flames High Performance Centre - Wyatt Park Lidcombe and received by Council on 28 March 2024. In the event of any inconsistency, the conditions of this consent will prevail over the Operational Plan of Management. The Operational Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

**95. 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)

**96. 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)

**97. 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](http://www.cumberland.nsw.gov.au).

(Reason: To ensure premises are notified to Council)

**98. 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)

**99. DAOUC16 - Entertainment Noise Emission Criteria**

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

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

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

(Reason: To protect residential amenity)

**100. 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)

**101. 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)

**102. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**103. DAOUF02 - Control of Noise**

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



(Reason: Public interest)

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

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

(Reason: Amenity, health and safety)

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

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

(Reason: Public interest)

**106. DAOUZ01 - 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 log book 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)

**107. DAOUZ02 - Limit of the delivery vehicle**

A largest vehicle delivering to the premises shall be limited to a 12.5m heavy rigid vehicle (HRV) as defined in Australian standard AS2890.2:2018.

(Reason: to ensure delivery vehicle use approved loading area and enter/exit the site in a forward direction)

**108. DAOUZ03 - Number of patrons**

A maximum number of four hundred (400) patrons shall be allowed for the development at any one time on days that will cater for 'special events' as outlined in the Operational Plan of Management referenced in condition number 93 of this consent.

(Reason: To minimise traffic impacts)

**109. DAOUZ04 - Ancillary uses**

No part of the premises may be used as offices or for any other commercial activity, except where such facility is ancillary and subordinate to the principal use of the premises. The proportion of floor space of the building used for offices, physio gym/recovery and the like, must not be increased above that shown on the approved plan.

(Reason: To ensure compliance with approved use)

**110. DAOUZ05 Signage**

The information/advertising contained within the approved signage structure is to directly relate to the use of the facility. No additional advertising unrelated to the facility is permitted without separate Council approval if the advertising and signage is not exempt development pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(Reason: Clarify the terms of approval)

**Advisory Notes**

**111. 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)

**112. 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)

**113. 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)

**114. 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)

**115. 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)

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

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

(Reason: Advisory)

**117. 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)

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

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

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

(Reason: Information)