
Application No: DA2019/329
Property: 300 Manchester Road AUBURN NSW 2144
Officer: Rennie Rounds

CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. **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. **Approved Plans and Supporting Documents**

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

Reference/Dwg No	Rev	Title/Description	Prepared By	Dated
Architectural Plans				
18164 - MP01	B	Masterplan	SBA Architects	3/10/2019
18164 - MP02	D	Site Plan	SBA Architects	3/10/2019
18164 - MP05	C	Signage Layout Plan	SBA Architects	1/11/2019
18164 - MP06	A	Construction Staging Plan	SBA Architects	3/10/2019
18164 - MP07	A	Sub-division Plan	SBA Architects	10/10/2019
18164 - DA10	F	Building 1 - Basement Floor Plan	SBA Architects	31/10/2019
18164 - DA11	F	Building 1 - Site & Warehouse Plan	SBA Architects	31/10/2019
18164 - DA12	F	Building 1 - Roof Plan	SBA Architects	31/10/2019
18164 - DA13	F	Building 1 - Warehouse Elevations	SBA Architects	31/10/2019
18164 - DA14	F	Building 1 - Warehouse Sections	SBA Architects	31/10/2019
18164 - DA15	D	Building 1 - Hub Plans - Basement & Ground Floor Plan	SBA Architects	31/10/2019
18164 - DA16	D	Building 1 - Hub Plans - First Floor Plan	SBA Architects	31/10/2019
18164 - DA17	D	Building 1 - Hub Elevations	SBA Architects	31/10/2019
18164 - DA18	E	Building 1 - WH-02 Office Plans and Elevations	SBA Architects	1/11/2019
18164 - DA18-1	G	Building 1 - WH-03 Office Plans and Elevations	SBA Architects	1/11/2019
18164 - DA18-2	E	Building 1 - WH-04 Office Plans and Elevations	SBA Architects	1/11/2019
18164 - DA20	C	Building 2 - Site & Warehouse Plan	SBA Architects	1/11/2019
18164 - DA21	C	Building 2 - Roof Plan	SBA Architects	1/11/2019
18164 - DA22	C	Building 2 - Warehouse Elevations - Sheet 1	SBA Architects	1/11/2019
18164 - DA23	D	Building 2 - Warehouse Elevations - Sheet 2	SBA Architects	1/11/2019
18164 - DA24	C	Building 2 - Warehouse Sections	SBA Architects	1/11/2019

18164 – DA25	D	Building 2 – WH-05 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA26	D	Building 2 – WH-06 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA27	D	Building 2 – WH-07 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA30	C	Building 3 – Site & Warehouse Plan	SBA Architects	1/11/2019
18164 – DA31	C	Building 3 – Roof Plan	SBA Architects	1/11/2019
18164 – DA32	C	Building 3 – Warehouse Elevations – Sheet 1	SBA Architects	1/11/2019
18164 – DA33	C	Building 3 – Warehouse Elevations – Sheet 2	SBA Architects	1/11/2019
18164 – DA34	C	Building 3 – Warehouse Sections	SBA Architects	1/11/2019
18164 – DA35	D	Building 3 – Typical Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA36	D	Building 3 – WH-11 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA40	C	Building 4 – Site & Warehouse Plan	SBA Architects	1/11/2019
18164 – DA41	C	Building 4 – Roof Plan	SBA Architects	1/11/2019
18164 – DA42	C	Building 4 – Warehouse Elevations	SBA Architects	1/11/2019
18164 – DA43	C	Building 4 – Warehouse Sections	SBA Architects	1/11/2019
18164 – DA44	D	Building 4 – WH-12 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA45	D	Building 4 – WH-13 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA46	D	Building 4 – WH-14 Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA50	C	Building 5 – Site & Warehouse Plan	SBA Architects	1/11/2019
18164 – DA51	C	Building 5 – Warehouse Plan	SBA Architects	1/11/2019
18164 – DA52	C	Building 5 – Warehouse Elevations	SBA Architects	1/11/2019
18164 – DA53	C	Building 5 – Warehouse Sections	SBA Architects	1/11/2019
18164 – DA54	C	Building 5 – Typical Office Plans and Elevations	SBA Architects	1/11/2019
18164 – DA60	C	Building 6 – Site & Warehouse Plan	SBA Architects	1/11/2019
18164 – DA61	C	Building 6 – Roof Plan	SBA Architects	1/11/2019
18164 – DA62	C	Building 6 – Warehouse Elevations	SBA Architects	1/11/2019
18164 – DA63	C	Building 6 – Warehouse Sections	SBA Architects	1/11/2019
18164 – DA64	C	Building 6 – Typical Office Plans and Elevations	SBA Architects	1/11/2019
Civil Plans				
19-621 C1004	B	General Arrangement Plan	at&I	2/10/2019
19-621 C1005	B	Typical Sections Sheet 1	at&I	2/10/2019

19-621 C1006	B	Typical Sections Sheet 2	at&l	2/10/2019
19-621 C1010	B	Siteworks and Stormwater Plan Sheet 1	at&l	2/10/2019
19-621 C1011	B	Siteworks and Stormwater Plan Sheet 2	at&l	2/10/2019
19-621 C1012	B	Siteworks and Stormwater Plan Sheet 3	at&l	2/10/2019
19-621 C1013	B	Siteworks and Stormwater Plan Sheet 4	at&l	2/10/2019
19-621 C1014	B	Siteworks and Stormwater Plan Sheet 5	at&l	2/10/2019
19-621 C1015	B	Siteworks and Stormwater Plan Sheet 6	at&l	2/10/2019
19-621 C1016	B	Siteworks and Stormwater Plan Sheet 7	at&l	2/10/2019
19-621 C1017	B	Siteworks and Stormwater Plan Sheet 8	at&l	2/10/2019
19-621 C1020	B	External Intersection and Stormwater Plan	at&l	2/10/2019
19-621 C1021	B	External Intersection Turn Path Plan	at&l	2/10/2019
19-621 C1025	B	Erosion and Sediment Control Plan Sheet 1	at&l	2/10/2019
19-621 C1026	B	Erosion and Sediment Control Plan Sheet 2	at&l	2/10/2019
19-621 C1027	B	Erosion and Sediment Control Plan Sheet 3	at&l	2/10/2019
19-621 C1028	B	Erosion and Sediment Control Details	at&l	2/10/2019
19-621 C1030	B	Pavement Plan Sheet 1	at&l	2/10/2019
19-621 C1031	B	Pavement Plan Sheet 2	at&l	2/10/2019
19-621 C1032	B	Pavement Plan Sheet 3	at&l	2/10/2019
19-621 C1050	B	OSD Tank 1 (North) Detail Plan	at&l	2/10/2019
19-621 C1051	B	OSD Tank 1 (South) Detail Plan	at&l	2/10/2019
19-621 C1052	B	Stormwater Longitudinal Sections Sheet 1	at&l	2/10/2019
19-621 C1053	B	Stormwater Longitudinal Sections Sheet 2	at&l	2/10/2019
19-621 C1054	B	Stormwater Longitudinal Sections Sheet 3	at&l	2/10/2019
19-621 C1055	B	Stormwater Longitudinal Sections Sheet 4	at&l	2/10/2019
19-621 C1056	B	Stormwater Longitudinal Sections Sheet 5	at&l	2/10/2019
19-621 C1057	B	Stormwater Longitudinal Sections Sheet 6	at&l	2/10/2019
19-621 C1058	B	Stormwater Longitudinal Sections Sheet 7	at&l	2/10/2019
19-621 C1059	B	Stormwater Longitudinal Sections Sheet 8	at&l	2/10/2019
19-621 C1060	B	Stormwater Longitudinal Sections Sheet 9	at&l	2/10/2019

19-621 C1061	B	Stormwater Longitudinal Sections Sheet 10	at&l	2/10/2019
19-621 C1062	B	Stormwater Longitudinal Sections Sheet 11	at&l	2/10/2019
19-621 C1063	B	Stormwater Longitudinal Sections Sheet 12	at&l	2/10/2019
19-621 C1064	B	Stormwater Longitudinal Sections Sheet 13	at&l	2/10/2019
19-621 C1065	B	Stormwater Catchment Plan	at&l	2/10/2019
<i>Landscape Plans</i>				
SS19-4190 – 001	B	Landscape Masterplan	Site Image Landscape Architects	3/10/2019
SS19-4190 – 101	B	Landscape Plan Building 1	Site Image Landscape Architects	3/10/2019
SS19-4190 – 102	B	Landscape Plan Building 2	Site Image Landscape Architects	3/10/2019
SS19-4190 – 103	B	Landscape Plan Building 3 & 4	Site Image Landscape Architects	3/10/2019
SS19-4190 – 104	B	Landscape Plan Buildings 5 & 6	Site Image Landscape Architects	3/10/2019
SS19-4190 – 111	B	Landscape Plan	Site Image Landscape Architects	3/10/2019
SS19-4190 – 501	B	Landscape Details	Site Image Landscape Architects	3/10/2019
SS19-4190 – 601	B	Landscape Sections	Site Image Landscape Architects	3/10/2019
<i>Reports</i>				
TL026-01F02	7	Noise & Vibration Impact Assessment	Renzo Tonin & Associates	11/10/2019
P%15973	-	Crime Prevention Through Environmental Design (CPTED) Assessment	Urbis	October 2019
-	2	Waste Management Plan	MRA Consulting Group	4/10/2019

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

3. Staging of Construction Works

The development shall be completed in two stages, in accordance with the approved Staging Plan, as listed within Condition No. 1, from the date of this development consent.

(Reason: to confirm and clarify the terms of this development consent)

4. Staging Requirements

Unless otherwise specified, the conditions contained within this development consent shall apply separately and individually to each and every single stage of the development. In this regard, all construction works are to be completed in accordance with the endorsed Staging Plan.

For the avoidance of doubt, the following works are to be provided for each stage:

Stage 1:

- Construction of roundabout;
- Construction of vehicle entrances;
- Construction of Buildings 1, 2, 3 & 4 and associated carparking areas;
- Associated landscaping works.

Stage 2:

- Construction of Buildings 5 & 6 and associated carparking areas;
- Associated landscaping works.

(Reason: to ensure essential services and facilities are available to the site to facilitate subsequent stages)

5. Separate Approval

Separate Development Approval shall be obtained for the fit-out and use of the cafe component of the development.

(Reason: To control the future development of the site)

6. Separate Use Approval

Any use/s of the individual tenancies, not permitted by this consent, shall obtain separate Development Approval.

(Reason: To control the future development of the site)

**7. Sydney Trains Requirements
Engineering**

- A.** The Applicant shall prepare and provide to Sydney Trains details of any works or buildings to be located above any existing or proposed rail services/easements for review and endorsement.

Supervision

- B.** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Construction

- C.** 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.

Consultation

- D.** 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.

- E. 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.
- F. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the Sydney Trains Central Interface team via email on Central_Interface@transport.nsw.gov.au <mailto:Central_Interface@transport.nsw.gov.au>.
- G. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

Environmental Protection

- H. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

Use of Right of Way of Manchester Road

- I. At all times access to the Sydney Trains rail yard shall be free of any obstruction by any vehicle or plant/equipment.

Inspections

- J. If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
- site investigations;
 - foundation, pile and anchor set out;
 - set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - foundation, pile and anchor excavation;
 - other excavation;
 - surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - other concreting; or
 - any other event that Sydney Trains has notified to the Applicant.
- K. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- L. Sydney Trains or Transport for NSW (TfNSW), 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.

Other

- M.** Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- N.** Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the **relevant conditions applies.**

(Reason: Sydney Trains requirements)

8. Unexpected Historical Archaeological Relics

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

(Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works)

9. Road Occupancy Licence

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(Reason: TfNSW condition)

10. Car Parking Areas Layout

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

(Reason: TfNSW condition)

11. Impacts on Grey-Headed Flying Fox Community

Regard shall be had to Council's Grey-Headed Flying-Fox Management Plan for the duration of the construction works and on-going use of the site.

Lighting is to avoid excessive light spill into areas of retained trees or other vegetation, to reduce impacts to nocturnal fauna. This can be achieved via not directing external lighting towards the vegetation directly the west and north-west of the development area.

Noise, light and air pollution impacts on the Grey-Headed Flying community are to be mitigated through compliance with the conditions of this consent.

(Reason: to ensure the Grey-Headed Flying Fox community is protected)

12. 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)

13. 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 demolition, 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)

14. Basement Drainage System

Basement drainage is to comply with "Auburn DCP 2010 stormwater drainage". In this regard:

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- iv) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- v) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- vi) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- vii) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: to prevent localised flooding)

15. 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)

16. Waste Management

Requirements of the approved Waste Management Plan shall be complied with during the construction phases of the development.

(Reason: Compliance with approval)

17. 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)

18. 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)

19. Additional approvals - Water Management Act 2000 (Advisory note)

Should the works approved under this development consent require separate approval under Sections 89, 90 and/or 91 of the Water Management Act 2000, such approvals (where applicable) should be obtained from the NSW Office of Water prior to the issue of any Construction Certificate.

(Reason: to ensure all relevant and necessary approvals are obtained prior to any works commencing on the land)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

20. Sydney Trains Requirements

The following conditions are to be satisfied prior to the issue of a Construction Certificate:

Engineering

- A. The Applicant shall prepare and provide to Sydney Trains details of all ground penetration works within 25m of RailCorp property and easements (including proposed easements). In the event that there is ground penetration deeper than 2m within the 25m zone, the Applicant shall provide to Sydney Trains or approval/certification the following final version items in compliance with relevant ASA Standards <https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Survey

- B. 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.
- C. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

Agreements

- D. Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall obtain advice from Sydney Trains regarding the need to enter an Agreement with Sydney Trains and RailCorp, on terms to the satisfaction of Sydney Trains and RailCorp, for the purpose of ensuring the protection of rail infrastructure facilities and the rail corridor or in connection with the carrying out of any rail functions or operations within the adjoining rail corridor and rail easements, or to ensure rail safety or to enable the works associated with the development connecting to rail facilities. In the event that Sydney Trains advises that such an Agreement is required, the Applicant shall enter into this Agreement at the nominated timing by Sydney Trains. The Applicant is to bear all Sydney Trains' and RailCorp's costs of entry into any Agreement required by these conditions. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- E. Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall obtain advice from Sydney Trains regarding the need to enter a new maintenance Agreement with Sydney Trains and RailCorp regarding the ongoing maintenance of the ROW from Manchester Road. In the event that Sydney Trains advises that such an Agreement is required, the Applicant shall enter into this Agreement at the nominated timing by Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Electrolysis

- F. 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 Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority 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.

Construction

- G.** No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- H.** Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
- Machinery to be used during excavation/construction.
 - Demolition, excavation and construction methodology and staging
 - Traffic management plan addressing traffic using the ROW off Manchester Road during construction and operation of the facility

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- I.** 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 Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- J.** 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 Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- K.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- L.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Consultation

- M.** Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall obtain advice from Sydney Trains regarding the need to prepare a communication strategy to address consultation with the workforce in the adjoining rail yard. In the event that Sydney Trains advises that such communication strategy is required, the Applicant shall prepare the communication strategy in consultation with Sydney Trains representatives. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Drainage

- N.** Prior to the issuing of a Construction Certificate the Applicant shall provide Sydney Trains for review and endorsement details and reports (including conditions assessment and capacity of the existing drainage) of any connection to drainage serving the development site into RailCorp drainage. In the event Sydney Trains endorses the proposed drainage connection the Applicant shall enter into a licence for the endorsed drainage connection at the timing specified by RailCorp/Sydney Trains but no later than final Occupation Certificate. The Principal Certifying Authority is not to issue a Construction Certificate or final Occupation Certificate unless written confirmation from Sydney Trains/RailCorp has been received that this condition has been complied with.

Use of Right of Way of Manchester Road

- O.** Prior to the issuing of a Construction Certificate the Applicant shall coordinate with Sydney Trains (and agreed to) the removal/relocation/alternate arrangement of the existing Sydney Trains carpark spaces located on the current ROW access to the development site. The Principal Certifying Authority is not to issue a Construction Certificate unless written confirmation from Sydney Trains/RailCorp has been received that this condition has been complied with.

Crash Barriers

- P.** Prior to the issuing of a Construction Certificate involving the installation of any wall/fencing along the rail corridor boundary the Applicant shall obtain Sydney Trains agreement as to the need for any crash barrier to prevent any vehicles from the proposed [road or carpark] coming into the rail corridor. Any required crash barrier shall comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

(Reason: Sydney Trains requirements)

21. Payment of Bonds, Fees and Long Service Levy

The Principal 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. Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Auburn Development Contributions Plan 2007, is to be paid to Council. The amount of the contribution is **\$803,225.13**. A copy of the Auburn Development Contributions Plan 2007 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to

Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

23. Site Audit Statement

Prior to the issue of a construction certificate associated with the built form of the development (excluding work directly related to remediation), a Section A Site Audit Statement, obtained from a NSW Environment Protection Authority accredited Site Auditor, must be provided to Council and the Principal Certifier.

The Site Audit Statement must confirm that the site has been remediated in accordance with the Remedial Action Plan (endorsed by DA2019/307) and clearly state that site is suitable for the proposed use.

(Reason: To ensure the site has been remediated)

24. Detailed Acoustic Modelling

Prior to the issue of a Construction Certificate, detailed acoustic modelling shall be undertaken in accordance with the recommendations of the Noise and Vibration Impact Assessment prepared by Renzo Tonin, (reference: TL026-01F02, rev 7, dated 11 October 2019), to ensure that the noise impacts on receivers near the entry access to the site, due to vehicles entering and leaving the site, are identified.

In the instance where additional acoustic attenuation is required to these adjoining receivers, the developer shall liaise with those property owners to implement the recommendations to achieve acoustic compliance.

(Reason: to protect the residential amenity of the locality)

25. Operational Management Plan

Prior to the issue of a Construction Certificate, an Operational Management Plan is to be prepared and submitted to the Cumberland Council Executive Manager Development and Building for approval.

The Operational Management Plan is to include the following:

Heavy Vehicle Movements

- a) Development related, Heavy vehicles shall not use the Chisholm Road during the hours of 10:00pm to 6:00am. In this regard:
 - i. Traffic Operational Management Plan shall be prepared by suitably qualified person in order to ensure that the above is complied with during the construction stage and ongoing operation of the development.

Crime Prevention Through Environmental Design (CPTED)

The recommendations of the endorsed Crime Prevention Through Environmental Design (CPTED) Assessment, including:

- a) Install CCTV at all entry and exit points on the site to provide 24/7 surveillance.
- b) All entries should be well lit, particularly pedestrian stair access along the southern boundary fronting Manchester Road.
- c) Prepare a lighting strategy for safe pedestrian movement around the site at night.
- d) Consider on-site security personnel particularly at night to monitor activity within the site and to provide immediate responses to attempts of trespassing and theft.

Loading/Unloading

- a) During the night period, roller doors/shutters to the loading dock area are to remain closed during internal loading/unloading activities.

The Operational Management Plan shall be provided to all future tenants at the premises and

(if applicable) incorporated into any Strata management in order to ensure that the Plan is implemented at the site at all times.

(Reason: to minimise the impact on residential developments)

26. Easement Creation

A drainage easement shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to the creek. Documents relative to the creation of the easement shall be lodged with NSW Land Registry Services, with registration being effected prior to issue of any Construction Certificate. All costs associated with the creation of the easement shall be borne by the applicant.

Prior to the issue of any Construction Certificate registered copy of Transfer granting easement document(s) shall be submitted to and approved by Cumberland Council's Manager Design and Traffic.

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

27. Roundabout Construction - Design

Prior to issue of any Construction Certificate, detailed plans shall be submitted to and approved by Council's Manager Engineering and Traffic and subject to Traffic Committee approval. In this regard:

- i) A detailed design plans showing the roundabout, turning paths, signage shall be submitted to Council for traffic committee approval.
- ii) Detail design of roads including kerb & gutter and footpath, setting out plans, signposting, line marking and design contour plans and street lighting plans shall be submitted for assessment.
- iii) A detailed land identification plan with respect to the land adjacent to the proposed roundabout.
- iv) The extension of the road within the property from the roundabout shall be at maximum of 5% gradient up to 20 meters from the proposed Manchester road boundary
- v) The boundary between the private and public road shall be delineated by coloured threshold and the threshold shall be within the private property.
- vi) Written approval from relevant authorities' shall be obtained for the street lighting upgrade at the intersection and other required service adjustments.
- vii) All the dimensions shall be marked on the plans.
- viii) All the costs shall be borne by the applicant.

Please note that a minimum of 3 months required for the Traffic Committee approval.

(Reason: to ensure Public road design comply with Council's standards and requirements)

28. Amended Drainage/Architectural Plans

Prior to issue of any Construction Certificate, amended stormwater and architectural plans addressing following shall be submitted to and approved by Cumberland Council's Manager Design and Traffic:

- a) Stormwater from entire site including the access road near the proposed roundabout shall be collected and discharged through the internal drainage system.
Note: Only the area that is dedicated to Council can be discharged to Council's street drainage system directly.
- b) Proposed Onsite stormwater detention (OSD) system design is not acceptable. High early discharge control shall be provided as per council's DCP requirements.
- c) Dry platform and weep hole details shall be clearly shown on the plan.
- d) A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.

- e) Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- f) Proposed building shall be clear of the existing stormwater pipes or pipes shall be realigned clear of the buildings.
- g) Maximum spacing between the access grates over the OSD tank shall not exceed 6.0m.
- h) Grated drains shall be provided directly behind the flap as per Council's standard Drawings.
- i) Stormwater runoff from the subject site shall be discharged by gravity system. The details shall be prepared by a suitably qualified person and must be in accordance with the Council's Stormwater Disposal Policy and "Australian Rainfall & Runoff 1987".

(Reason: To ensure parking layout and stormwater disposal with Council's DCP and Australian standard AS2890.1)

29. Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and Auburn Development Control Plan and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection)

30. Written Consent from Transport for NSW

Prior to issue of any Construction Certificate, Transport Assessment report shall be submitted to and approved by Transport NSW.

Any intersection improvement measures recommended by Transport NSW shall be incorporated in the development. In this regard:

- a) All necessary approval shall be obtained.
- b) The works shall be carried out at no cost to Council.

Compliance with the above shall be submitted to and approved by Council's Manager Engineering and Traffic.

(Reason: to consult with TfNSW)

31. Stormwater Disposal

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

- a) The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, approved OSD plan and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
 - i. High early discharge control shall be provided as per council's DCP requirements.

- ii. Proposed building shall be clear of the existing stormwater pipes or pipes shall be realigned clear of the buildings.
- iii. Dry platform and weep hole details shall be clearly shown on the plan
- iv. A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.
- v. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- vi. Maximum spacing between the access grates over the OSD tank shall not exceed 6.0m.
- vii. Grated drains shall be provided behind the directly behind the flap as per Council's standard Drawings.
- viii. Finished surface levels shall be indicated within all courtyards, driveways, and detention storage areas.
- ix. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.
- x. All walls, kerbs, or crests proposed on the site are indicated along with their respective levels. (e.g. top of wall level).
- xi. Due to electrical hazard, the proposed electric pump systems for the rainwater tanks must be relocated outside the OSD basin area or 500mm above the top water level within the basin. All plan shall be accordingly amended.
- xii. Any amendments in red on the OSD drawing.

(Reason: to prevent localised flooding)

32. Parking Layout

Parking layout shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing the all necessary dimension shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the approved plan shall be submitted to Council.

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

33. 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)

34. Minimum Headroom - Adaptable Parking Spaces

Head room clearance within accessible parking shall be minimum 2500mm to comply with AS2890 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)

35. 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 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.

(Reason: Safety)

36. Vehicular Crossings, Redundant Vehicular Crossings and other Works

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

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

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

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

37. Damage Deposit for Council Infrastructure

A Damage Deposit of **\$6,160** shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

Council may use part or all of the deposit to carry out rectification work for any damage caused by the development to Council's infrastructure.

Note: The figure should be confirmed with Council at the time of payment, as fees may be subject to change.

(Reason: To protect Council infrastructure)

38. Off Street Car Parking - General

A minimum of 471 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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

(Reason: Parking and access)

39. Disabled Access & Facilities

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

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

40. Ramp Gradients

Circulation ramp grades and transitions shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along ramp to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

A copy of the approved plan shall be submitted to Council.

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

41. Certification of the Stormwater Drainage System Design

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

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

(Reason: Adequate stormwater management)

42. 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 Principal Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

43. Works Within Council Controlled Lands

(1) For drainage works:

- a) Within Council controlled lands.
- b) Connecting to Council's stormwater drainage system.

Inspections will be required:-

- i) After the excavation of pipeline trenches.
- ii) After the laying of all pipes prior to backfilling.
- iii) After the completion of all pits and connection points.

(2) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.

(3) Work is not to proceed until the works are inspected and approved by Council.

(Reason: to ensure works on public/Council controlled lands are carried out as per Council's requirements)

44. Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for 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, which will go towards administration costs.

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 formal 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. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

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

(Reason: Public infrastructure)

45. Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside 300 Manchester Road, Auburn including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue of the Construction Certificate.

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

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

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

46. Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council's Engineers, a detailed construction Traffic Management Plan (TMP). 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 Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the TMP:

- 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) Number of trucks.
- e) Tradesperson parking (parking shall be provided on-site where possible).
- f) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- g) Provide relevant Pedestrian Management Plans.
- h) 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)

47. Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

(Reason: Safety & information)

48. 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 with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

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

(Reason: Protection of Public Assets and information)

49. Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited 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 erection of any part of the structure within the site.
- 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) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) 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 Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

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

50. Construction or Redirection of a Stormwater Drainage System

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

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

(Reason: Protection of existing drainage infrastructure)

51. 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)

52. 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 the Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

(Reason: Ensure services are not disturbed)

53. 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 to be in accordance with any requirements and recommendations of the approved Noise and Vibration Impact Assessment prepared by Renzo Tonin & Associates, report reference TL026-01F02.

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

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

54. Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

55. Application for a Construction Certificate

Construction work must not commence until a Construction Certificate has been obtained from Council or an Accredited Certifier.

(Reason: Statutory requirement)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

56. Sediment and Erosion Control measures

Prior to the commencement of works, 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 will be constructed above 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 site

only, other areas to remain undisturbed.

- (d) Restricting vehicle access to one designated point and having these 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.
- (f) 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.
- (g) 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.
- (h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such 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)

57. Sydney Trains Requirements **Construction**

- A. Prior to the commencement of any works appropriate fencing must be in place along the rail land to prevent unauthorised access to the rail land during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Survey

- B. Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and RailCorp's land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.

Inspections

- B. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

(Reason: Sydney Trains requirements)

58. Roundabout Construction

Prior to commencement of any development works, roundabout construction works shall be completed at no cost to Council to the satisfaction of Council. In this regard:

- a) Construction methodology and construction programme shall be submitted to and approved by Council's Manager Engineering and Traffic.

(Reason: to ensure proper access to the site is provided and to minimise the impact on street traffic)

59. 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 from a Certifier.
- 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)

60. Site Safety Fencing

Erect site fencing to a minimum height of 1.8m, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

(Reasons: Statutory requirement and health and safety)

61. Principal Certifier Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- a) The Principal Certifier by showing their name, address and telephone number;
- b) The Principal Contractor (if any) by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, and must be removed when the work has been completed.

(Reason: Statutory requirement)

62. 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)

63. Notice of Requirements from Sydney Water

Following application to Sydney Water, they will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. The Notice

of Requirements letter must be submitted to the Principal Certifier before the commencement of works.

(Reason: To comply with statutory requirements)

CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT WORK

64. Construction Hours

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

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

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 6.00 pm Monday to Friday.

(Reason: To minimise impacts on neighbouring properties)

65. 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)

66. Road and Footpath Opening Permit

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road and Footpath Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered separately by the 'Application for Vehicular Crossing and Road Works' or the 'Application for Street Drainage Works Approval'.

(Reason: Maintain public asset)

67. Dust Control Major Works

The following measures must be implemented (in part or in total) as directed by Cumberland Council to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created 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.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland Council.

(Reason: To prevent the movement of dust outside the boundaries of the site)

68. Site Management

All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

69. Acid Sulphate Soils

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulfate Soil (PASS) or Actual Acid Sulfate Soil (AASS) 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 is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

(Reason: Environmental protection)

70. Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.

(Reason: Compliance with condition of consent)

71. 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)

72. General Site Requirements during Construction

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- a) No blasting is to be carried out at any time during construction of the building.
- b) Care must be taken during excavation/ building/ construction to prevent any damage to adjoining buildings.
- c) 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.
- 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. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- f) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. k) 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.
- g) 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.
- h) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- i) 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.

- j) 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 minimal disruption to the local area and to ensure demolition, building and any other site works are undertaken in accordance with relevant legislation and policy.)

73. Power Connection - Major Development

All power connection to the development shall be installed underground for all major development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter)

74. Compliance with the Excavation and Construction Noise and Vibration Management Plan

All excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Noise and Vibration Impact Assessment submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

75. Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified, transported, and disposed of in accordance with the Protection of the Environment Operations Act 1997 and NSW EPA requirements.

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

76. Notification of New Contamination Evidence

- (a) 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 Cumberland Council.
- (b) Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). 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.
- (c) Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Cumberland Council by the Auditor confirming the site is now suitable for the proposed use.

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

77. Air Conditioning Units - Location

Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

78. Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).

(Reason: Prescribed statutory control)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE RELATING TO THE USE OF THE BUILDING OR PART

**79. Sydney Trains Requirements
Easements/right-of-way**

- A. Prior to the issuing of an Occupation Certificate the Applicant shall register on title easements for drainage and any other services that serve the adjoining rail land and facilities that traverse the development site. These easements shall be in favour of RailCorp and in accordance with the terms specified by RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B. The amendment of the current Right of Way (ROW) along the internal road off Manchester Road benefiting the development site shall be the responsibility of the Applicant and at their cost. The new ROW is to be endorsed by RailCorp/Sydney Trains prior to registration on title. The registration of the new ROW is to be undertaken prior to the issuing of an Occupation Certificate, unless required earlier by Sydney Trains. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming of its endorsement of the new ROW (including terms), and Principal Certifying Authority has received confirmation that the Applicant has registered the new ROW on title.

Construction

- C. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to rail land by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail land boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Documentation

- D. 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 RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Maintenance

- E. Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

(Reason: Sydney Trains requirements)

80. Compliance with Acoustic Report

A noise compliance report must be submitted to Council prior to the issuing of the Occupation Certificate. This report must verify that:

- (i) All recommendations contained in the Acoustic Report (prepared by Renzo Tonin & Associates, dated 11 October 2019, report ref. TL026-01F02 have been implemented; and

- (ii) Any other noise criteria specified in this consent are being complied with.

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

81. Roundabout - Land Dedication

Prior to issue of any Occupation Certificate, the Road and associated footpath reserve adjacent to the roundabout shall be dedicated to Council to the satisfaction of Council. In this regard dedication shall be registered in NSW Land Registry Services and registered documents shall be submitted to Council. All associated cost shall be borne by the applicant.

(Reason: to ensure Public road is dedicated to Council)

82. Engineer Certificate for Pump

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

(Reason: to ensure the system has been constructed Council's standards and specifications)

83. 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)

84. Maintenance Schedule - OSD

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)

85. 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)

86. Engineers Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Accredited Certifier. This certificate shall state 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)

87. Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Accredited 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) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (Checklists A3, A4 & A5 in the appendix of the "Auburn development control plans 2010 stormwater drainage").
- (c) Approved verses installed Drainage Design (OSD) Calculation Sheet. And
- (d) "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)

88. 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, and/or
- b) Reconstruct existing public drainage pit/pipe system, and/or
- c) Construct a new vehicular crossing, and/or
- d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the Auburn Development Control Plan, prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

89. Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed adjacent to the front of the property.

The above works must be programmed and constructed prior to the issuing 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)

90. Construction of Concrete Footpath

A concrete footpath of width 1.2 metres shall be constructed adjacent to the front of the property.

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)

91. Covenant & Restriction as to User for Stormwater Controlled Systems

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/mechanical pump-out system/ charged lines, which are related to the OSD system.

Easement Registration

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of minimum width 1.25m (or as specified by Council), over the proposed stormwater drainage line or service concurrently with any subdivision registration. Typical wording can be obtained from Council.

(Reason: Compliance and adequate maintenance of drainage system)

92. OSD Identification Plate

Prior to the issue of a Final Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the On-site Stormwater Detention (OSD) system. This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The wording and plate shall be in accordance with Council's standard requirements.

(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)

93. Final Clearance

A final clearance is to be obtained from the relevant energy service provider if clearance has not previously been obtained.

(Reason: To ensure power is available for the site)

94. S73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au 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 new subdivision with water, wastewater and stormwater facilities).

95. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

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

- 1) Forwarded to Cumberland Council;
- 2) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- 3) Prominently displayed in the building.

(Reason: Fire safety)

96. Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifier is required to be satisfied, amongst other things, that:

- a) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- b) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: A new building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

97. Application for Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services.

(Reason: To comply with statutory requirements)

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

98. Hours of Business Operation

The hours of operation are 24 hours 7 days a week.

(Reason: Ensure business operates between approved hours)

99. Offices - Ancillary Use

The proportion of floor space of the building used for offices, must not be increased above that shown on the approved plan.

(Reason: To ensure compliance with approved use)

100. Control of Litter

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers and remains of goods or items, which might reasonably be assumed, were purchased at the subject premises, the shopkeeper must comply with any direction of Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

101. Security Management Plan

Management must ensure the implementation of the Security Management Plan, which specifies security patrol, surveillance and other security and response methods, and security management of the public and private domain within and surrounding the site.

(Reason: Amenity, health and safety)

102. Parking

At least 471 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

103. Vehicle Access

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

(Reason: Traffic and pedestrian safety)

104. Operational Management Plan

The use must always be operated and managed in accordance with the Operational Management Plan, as endorsed by Council. Any proposed changes to the site operation, including access arrangements, shall be incorporated within an updated and amended Operational Management Plan.

Any changes are required to be approved in writing by the Executive Manager Development and Building prior to implementation. Any further development consent that may be issued for the individual tenancies within the development are required to comply with the approved Operational Management Plan.

(Reason: To protect residential amenity)

105. Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

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

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

(Reason: Fire safety)

106. Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

107. Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

108. 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 strictly prohibited.

(Reason: Environmental amenity)

109. 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)

110. Signage - Illumination

Flashing or Moving Signs

Signage must not flash or have any moving components.

Intensity of Sign Illumination

The intensity and hours of illumination of the sign must be addressed, if Council considers there to be adverse impacts associated with the sign illumination.

Wiring

Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the facade of the building.

(Reason: To ensure compliance with approved plans and environmental amenity)

111. Air Emissions

The use of the premises shall not give rise to air pollution or and an odour nuisance as defined by the Protection of the Environment Operations Act 1997 and waste gases shall not be hazardous or harmful to human health or the environment.

(Reason: To protect human health and the environment)

112. Amenity

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

(Reason: to protect the amenity of the locality)

ADVISORY NOTES

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 please, contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial 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 that must be observed 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 Dial Before You Dig service in advance of any construction or planning activities.



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 are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443 or <https://www.telstra.com.au/consumer-advice/digging-construction/relocating-network-assets>.

Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification until Council issues an amended consent.

Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of six months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after six months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed timeframe including the statutory requirement for public notification. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for such a review.

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, or as otherwise prescribed.

Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being

notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW website at safework.nsw.gov.au/your-industry/construction, or phone 13 10 50.

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 this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier and any Service Agreement, the Environmental Planning and Assessment Act 1979 (Act) and the Regulations.

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 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: 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 NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)