

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2023/0775

Development: Demolition of existing structures, construction of a mixed use development for specialised six retail premises, high technology industries, light industries, office premises, health services facility, recreation facility (indoor), food and drink premises, centre-based child care facility and an animal boarding facility.

Site: Lot 2 in DP 219413, being No. 2 Bachell Avenue, Lidcombe

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 07 January 2026

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 2 in DP 219413, being No. 2 Bachell Avenue, Lidcombe.

The conditions of consent are as follows:

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	Title/Description	Prepared By	Date
DA040 Rev D	Demolition Plan	Two Form Architecture and Interior Design	3.11.2025
DA100 Rev D	Basement 2 Floor Plan		
DA101 Rev D	Basement 1 Floor Plan		
DA102 Rev D	Lower Ground Floor Plan		
DA103 Rev D	Ground Floor Plan		
DA104 Rev D	Level 1 Floor Plan		
DA105 Rev D	Level 2 Floor Plan		
DA106 Rev D	Level 3 Floor Plan		
DA107 Rev D	Level 4 Floor Plan		
DA108 Rev D	Level 5 Floor Plan		
DA109 Rev D	Level 6 Floor Plan		
DA110 Rev D	Level 7 Floor Plan		
DA111 Rev D	Level 8 Floor Plan		
DA112 Rev D	Roof Plan		
DA200 Rev D	Elevation-North-West		
DA201 Rev D	Elevation - East		
DA202 Rev D	Elevation-South		
DA220 Rev D	Elevation Details -D9 & D11		
DA221 Rev D	Elevation Details -D12 & D14		
DA222 Rev D	Elevation Details -D13 & D15		
DA251 Rev D	Childcare Layout –		
DA252 Rev D	CCC-Evacuation Plan		
DA253 Rev D	Childcare layout-Kitchen		
DA254 Rev D	Childcare Layout		
DA321 Rev D	Section X		
DA322 Rev D	Section Y		
DA350 Rev D	Section Detail - D1		
DA351 Rev D	Section Detail-D2		
DA352 Rev D	Section Detail-D3		
DA353 Rev D	Section Detail-D4		
DA354 Rev D	Section Detail -D5		
DA355 Rev D	Section Detail-D6		
DA356 Rev D	Section Detail-D7		
DA357 Rev D	Section Detail-D8		

DA358 Rev D	Section Detail -D10 & D3B		
DA359 Rev D	Section Detail-D16		
DA360 Rev D	Section Detail D17		
DA361 Rev D	Section Detail -D18		
DA430 Rev D	Ramp Longitudinal Sections		
DA600 Rev D	Materials & Finishes		
DA650 Rev D	Signage Zones		
55.20.10 Rev D	Landscape Masterplan	Distinctive Living Design	27/9/2024
55.20.11 Rev D	Deep Soil Plan		
55.20.12 Rev D	Canopy Cover Plan		
55.20.13 Rev D	Mood Imagery- Ground Floor		
55.20.15 Rev D	Landscape Plan- Ground Floor		
55.20.16 Rev D	Detail Plans-Ground Floor		
55.20.20 Rev D	Mood Imagery Levels 1-4		
55.20.22 Rev D	Landscape Plan -Level 1		
55.20.24 Rev D	Landscape Plan – Level 2		
55.20.26 Rev D	Landscape Plan – Level 3		
55.20.28 Rev D	Landscape Plan – Level 4		
55.20.29 Rev D	Detail Plan – Level 4		
55.20.32 Rev D	Landscape Plan – Level 5		
55.20.33 Rev D	Detail Plan – Level 5		
55.20.34 Rev D	Elevations – Level 5		
55.20.36 Rev D	Landscape Plan – Level 6		
55.20.40 Rev D	Landscape Plan – Level 8		
55.20.41 Rev D	Section AA Bachell Avenue		
55.20.42 Rev D	Plant Palette		
55.20.43 Rev D	Edge Planter Box Details		
55.20.44 Rev D	Details, Notes & Schedules		
55.20.45 Rev D	Landscape Details		

C-3732-01 Issue 13	Basement 2	Kozarovski & Partners	29/9/2025
C-3732-02 Issue 13	Basement 1		
C-3732-03 Issue 13	Lower Ground Floor		
C-3732-04 Issue 13	Ground Floor		
C-3732-05 Issue 13	Level 1		
C-3732-06 Issue 13	Level 2		
C-3732-07 Issue 13	Level 3		
C-3732-08 Issue 13	Level 4		
C-3732-09 Issue 13	Level 5		
C-3732-10 Issue 13	Level 6		
C-3732-11 Issue 13	Level 7		
C-3732-12 Issue 13	Level 8		
C-3732-13 Issue 13	Roof		
C-3732-14 Issue 13	Culvert Re-location		
C-3732-15 Issue 13	Sediment & Erosion Control Plan		
C-3732-16 Issue 13	WSUD Schematic		
Report No: 14/23	Green Travel Plan	Lyle Marshall & Partners Pty Ltd	October 2023
Reference:220012-Access	Accessibility Report	Nest Consulting Group	24 May 2023
53.5499.R1B:MSC	Acoustical Assessment	The Acoustic Group	17 October 2023
-	Plan of Management (POM) Draft	Unnamed	22 October 2025
Report:04/23 Rev B	Worksite traffic control and loading dock management plan	Lyle Marshall and Partners Pty Ltd	September 2024
-	Updated Preliminary Contamination Assessment	Sullivan Environmental Sciences	28 November 2023
-	Phase 2 Contamination Assessment (2016)	Sullivan Environmental Sciences	28 November 2023
SES_500	Remediation Action Plan (RAP)	Sullivan Environmental Sciences	29 November 2023
13089-GR-1-1	Geotechnical Investigation Report	Alliance Geotechnical Pty Ltd	8 March 2024
-	Arboricultural Impact Assessment and Tree Management Plan	Horticultural Management Services	28 September 2024

-	Waste Management Plan	Leigh Design Pty Ltd	20 September 2023
200114	Flood Impact Assessment	GRC Hydro	26/9/2024 6/11/2024 27/8/2025
	NABERS Commitment to Rate	Raad Property Acquisition No 10 Pty Ltd	13 October 2025
SLR Ref No.: 610.033198-L01-v1.0-20251008	Net Zero Statement	SLR Consulting Australia	8 October 2025
Rev 2	Embodied Emissions Calculations, revision 2	Raad Property Acquisition No 10 Pty Ltd	7 October 2025
	Embodied Emissions Materials Form	APL Quantity Surveyors	24 October 2025
-	Section J Report	Outsource Ideas P/L	15/9/2023
-	Rail Risk Management Plan	The HUB at Lidcombe	March 2024
Report No. 24015-RP01	Structural Report Shoring System adjacent to rail Corridor	JSBC Consulting	29/2/2024
-	Construction Methodology Report	Hallmark Construction Pty Ltd	8 March 2024
Reference Number: IDAS1155041	General Terms of Approval	WaterNSW	10 July 2024
CNR-68247	-	Ausgrid	16 May 2024
CNR-68247	Attachment A	Transport For NSW – Sydney Trains	19 November 2024
CNR-68247	Sydney Water Development Application Information Sheet for Proponent	Sydney Water	5 November 2024

For comprehension of approved levels, reference has been made to survey plan reference No. 4467DT02 Sheets 1 of 7 to 7 of 7 (inclusive) prepared by StrataSurv dated 4/9/2024.

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

3. Surface Runoff

Existing surface water flows from upstream properties shall not be diverted or treated in a manner that results in adverse effects for any other property.

(Reason: To prevent adjoining properties from being adversely affected by existing surface water flows)

4. Utility Services

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

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

5. Transport for NSW Conditions of Concurrence

5.1 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.

5.2 The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guideline".

5.3 Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

5.4 The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.

5.5 Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and

- face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.6 The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.7 If required by Sydney Trains, prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.8 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.
- 5.9 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 5.10 During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 5.11 Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- 5.12 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

- 5.13 The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- 5.14 Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor 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.
- 5.15 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor 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 corridor 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.
- 5.16 No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- 5.17 Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- 5.18 No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.19 Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation

Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

5.20 Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:

- a) Machinery to be used during excavation/construction.
- b) Demolition, excavation, and construction methodology and staging.

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

5.21 The Applicant/Developer shall not at any stage block the corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.

5.22 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- b) acts as the authorised representative of the Applicant; and
- c) 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.

5.23 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.

5.24 Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can Central_Interface@transport.nsw.gov.au. be contacted via email on Central_Interface@transport.nsw.gov.au.

5.25 Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

Conditions Which Must be Satisfied Prior to the Commencement of Demolition**6. Notice of Demolition**

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

- ☐ The date when demolition will commence;
- ☐ Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer; and
- ☐ The telephone number of the SafeWork NSW Hotline.

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

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

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

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

7. Demolition Inspections

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

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

(Reason: To ensure compliance with the relevant legislation)

8. Tree Preservation

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

(Reason: Tree Preservation and Protection)

9. Sediment and Erosion Control Measures

Prior to the commencement of works, including demolition, the following

measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

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

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

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

10. Sediment and Erosion Control Plan - Large Sites

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

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

11. Hazardous Materials Survey Required

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

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

Conditions Which Must be Satisfied Prior to the Issue of a Construction Certificate

12. Amendments to Approved Plans

Amended plans/documents shall be submitted to the Council or registered

certifier prior to the issue of a Construction Certificate incorporating the following matters:

- a) The small car space on levels 'Basement 1 and 2' shall be deleted.
- b) Car space 170 in 'Basement 2' shall be deleted.
- c) With the exception of the child care centre car spaces, the car share and car ride, the plans shall remove any specific allocation of car parking spaces.

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

13. Box Culvert

Prior to issue of any construction certificate, detailed plans shall be prepared to the satisfaction of Council and Sydney Water that are generally consistent with approved stormwater plan drawing numbers C-3732-14 and C-3732-15, both revision 13 and dated 29/9/2025, and which address the following:

- a) Correction of the level of the top grate in culvert section D-D to read 12.32 (not 10.32).
- b) Tapering to integrate with existing channels / culverts up and down stream of the site.
- c) A flood model electronic copy and hard copy of pre and post development overland flows and the flow through the existing downstream culvert under the road (Bachell Avenue) and respective velocities for the 5% annual exceedance probability (**AEP**) event, the 1% AEP event and the probable maximum flood event.

(Reason: To verify and ensure no adverse flood conditions arise for surrounding land)

14. Application for a Construction Certificate

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

(Reason: Statutory requirement)

15. Disabled Access & Facilities

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

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

16. Urban Heat

The following matters shall be incorporated within the design/built form to reduce urban heating from the environment:

- a) To ensure the roof design reduces adverse effects of solar heat on surrounding land as sought by clause 6.12(2)(a) of the Cumberland Local Environmental Plan 2021, the external roof material use shall be light in colour.
- b) To ensure exhausts from heating, ventilation and air conditioning systems do not detract from the public domain, as sought by clause 6.12(2)(c) of the Cumberland Local Environmental Plan 2021, the exhaust outlets shall be located at roof areas or in other locations so as not to be directed towards Bachell Avenue.

Details demonstrating compliance with the above are to be submitted with the Construction Certificate application.

(Reason: To ensure compliance with clause 6.12 of the Cumberland Local Environmental Plan 2021)

17. 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 acoustic report prepared by The Acoustic Group, dated 17 October 2023 and referenced 53.5499.R1B:MSC including a detailed assessment of mechanical plant and confirming compliance with Noise Policy for Industry, Association of Australian Acoustical Consultants (AAAC) Childcare Centre noise Assessment Guidelines and the State Environmental Planning Policy (Transport and Infrastructure) 2021 for development in or adjacent rail corridors. Where noise or vibration from the railway line is found to be an issue, design measures such as appropriate glazing and/or wall construction, should be incorporated into the development.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society.

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

18. Works Within the Boundary

No portion of the works are to encroach beyond the boundaries of the subject property, unless as identified in the approved documentation. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

19. Damage Deposit for Council Infrastructure

A damage deposit of \$14,940.00 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result

of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)

20. Payment of Bonds, Fees and Long Service Levy

The Council or registered certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

21. Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.12 of the *Environmental Planning and Assessment Act 1979* and *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at \$843,425.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

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

22. Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspections (x 2)	\$604.00	Prior to Demolition
Damage Deposit	\$14,940.00	Prior to issue of CC
Sect. 7.12 Contributions	\$843,425.00 + CPI	Prior to issue of CC
Construction Traffic Management Plan	\$409.00	Prior to issue of CC
Kerb Crossing Bond (Related to Driveways)	\$6,970.00	Prior to issue of CC
Driveways Inspections (x 2 driveways)	\$1,762.00	Prior to issue of CC
TOTAL	\$868,110.00 + CPI where applicable	

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

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

(Reason: Statutory requirement and information)

23. Photographic Record of Council Property - Damage Deposit

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

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

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

(Reason: To assist in the appropriate assignment of costs for any damage to Maintain Council public assets)

24. Footpath and Driveway Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design with the Construction Certificate application by lodging an 'Application for Property Boundary Line Levels'. Any required adjustments shall be included in the Construction Certificate plans. Unless an alternative specific design is submitted and approved by Council, the footpath and driveway levels adjoining the site shall generally be as follows:

- a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath crosses the driveway.
- b) The levels of the driveway at the property boundary shall incorporate a cross fall equivalent to the general longitudinal grade of the street.
- c) The approved boundary line levels are to be incorporated in plans and submitted for approval under section 138 of the *Roads Act 1993*.

(Reason: To ensure appropriate vehicular access that has regard to prevailing topography and that preserves safe pedestrian access)

25. Protection or Management of Public Access

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or the building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work, subject to approval of a Road

Occupancy Licence by Council.

(Reason: Public safety)

26. 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. An erection of hoarding structure application form shall be submitted to Council along with payment of fees calculated under the Council's Schedule of Fees and Charges.

(Reason: Safety and information)

27. Driveway Design

Detailed driveway plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier. The plans shall include a longitudinal section for each edge of the driveway / ramp from the centreline of the road to the parking spaces which demonstrates that grades and transitions comply with clauses 2.5.3 and 2.6 of AS2890.1:2004.

Levels at the property boundary shall accord to those obtained from Council via an *Application for Property Boundary Line Levels*.

(Reason: To ensure safe and suitable vehicular access)

28. Construction Management Plan

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

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

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

29. Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council, a detailed CTMP. The plan shall demonstrate how construction and delivery vehicles will access the development site during the

demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved CTMP.

The following matters must be addressed in the CTMP:

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

(Reason: Traffic safety and amenity during construction phase)

30. Loading Bay and Access

The loading bay layout and design shall comply with AS2890.2:2018 based upon a small rigid and medium rigid vehicle as applicable. In this regard, detailed plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier that demonstrate:

- a) Car park ramp grades and transitions complying with sections 3.3.3 and 3.3.4 of AS2890.2:2018. A detailed longitudinal section along both edges of the ramps in the car park from the centreline of the road to the car park demonstrating compliance with this requirement shall be provided.
- b) A minimum 3,500/4,500mm headroom clearance in accordance with table 4.1 of AS2890.2-2018 shall be provided in all areas of the car park that are to be accessed by the largest vehicle entering the property.
- c) The width of the circulation roadway and ramps shall comply with section 3.3.1 of AS2890.2:2018.
- d) Loading bay dimensions shall be a minimum of 3.5m x 6.4m for small rigid vehicles and 3.5m x 8.8m for medium rigid vehicles to comply with table 4.1 of AS2890.2:2018.

(Reason: To ensure the car park layout and design complies with AS2890.2:2018)

31. Traffic Control Measures

Prior to the issue of the relevant Construction Certificate, approval shall be obtained from the Cumberland Local Transport Forum for the proposed roundabout and associated works at the intersection of Bachell Avenue and Rawson Street, Lidcombe. In this regard, design plans shall be prepared for the proposed roundabout and associated works in discussion with Council's Engineering Section.

(Reason: To ensure road safety and convenience)

32. Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

33. Landscape Plan

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

The plan must include the following information:

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

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

planting for shade, mid height shrubs, lawn and ground covers.

(Reason: Landscape quality)

34. On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 850mm for trees, 650mm for shrubs and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

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

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

Species	Location
2 x <i>Corymbia maculata</i> (spotted gum)	Street trees. South of the intersection with Rawson Avenue
T14 <i>Eucalyptus maculata</i> (Spotted gum)	Street tree. South of the intersection with Rawson Avenue

(Reason: Tree preservation)

36. Off Street Car Parking - Multiple Use Buildings

553 car spaces shall be provided on the site, comprising of:

- 504 general (non-accessible) parking spaces, not dedicated to any particular use;
- 26 non-accessible spaces for the child care centre;
- 1 accessible space for the child care centre;
- 9 accessible parking spaces for general use;
- 10 spaces for the light industries, comprising one space within each unit;
- 2 car share spaces; and
- 1 ride share space.

The above provision is exclusive of loading bay spaces, space 170 which is required to be deleted and the 2 small car spaces which are required to be deleted.

The 27 spaces for the child care centre (comprising 26 non-accessible and 1 accessible spaces) shall be clearly allocated by signage and / or ground surface

paint marking.

The 2 car share and 1 ride share spaces shall be clearly allocated by signage and / or ground surface paint marking.

The 9 accessible parking spaces for general use and the 1 accessible parking space associated with the child care centre shall be clearly marked as accessible spaces by signage and / or ground surface paint marking.

None of the 504 (non-accessible) general parking spaces shall be allocated to any specific use or premises, but rather shall be available for general use. Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard/New Zealand Standard AS/NZS 2890.1:2004 and be provided on-site in accordance with the approved plans. For the avoidance of doubt, 13 of the 26 non-accessible parking spaces for the child care centre shall be allocated by signage and / or ground surface paint marking for parent/carer parking, with those spaces to have a minimum width of 2.6m as per Class 3A of AS2890.1:2004.

The parking bays shall be delineated by line marking.

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

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

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

(Reason: To ensure satisfactory parking and access)

37. Emergency Vehicles - Pavement Design

The ground level driveway servicing the rear of the site inclusive of the light industry premises shall be designed to accommodate the laden mass of the heaviest Fire and Rescue vehicle that may have cause to access the site. Confirmation of vehicle mass shall be obtained from Fire and Rescue NSW with the driveway then designed to accommodate that mass, to the satisfaction of the Council or registered certifier.

(Reason: To ensure the development is designed to accommodate the needs of emergency vehicles)

38. Maintaining Sight Lines

All new walls adjacent to vehicular crossings must not exceed a height of 600mm above the internal driveway level for a distance of 2.5m within the site,

or within a splay 2.5m by 2.5m to provide satisfactory sight lines. Details showing compliance are to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Safety)

39. Certification of the Stormwater Drainage System Design

Prior to the issue of a Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and AS/NZS3500.3.

(Reason: Adequate stormwater management)

40. Grated Drain

A grated trench drain shall be provided across the driveway as shown on the approved stormwater plan. Unless otherwise designed by a qualified civil engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and shall have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.3.

The above information must be indicated on all relevant drawings submitted with the Construction Certificate application.

(Reason: To mitigate the impacts of stormwater)

41. Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Development Control Plan and to the satisfaction of the Council or registered certifier. Details are to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

42. Engineering Design - Basement Excavation

The following engineering details and design documentation shall be submitted to the Council or registered certifier prior to the issuing of a Construction Certificate:-

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully

complied with and incorporated into the plans and specifications for the Construction Certificate.

- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted which states that damage will not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises. Details of any approved anchors are to be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: Ensure the method of excavation is suitable and to prevent damage occurring to adjoining premises)

43. Excavations Extending Below the Base of Footings of Adjoining Development

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

(Reason: To ensure support for neighbouring buildings)

44. Dilapidation Report

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

Please note:

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

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

45. Retaining Walls

Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled

ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with the Construction Certificate application.

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

46. Structural Engineer's Details

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

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

47. Electricity Substation

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

(Reason: Where substations are proposed and required, to ensure that the final design accounts for any requirements of the energy authority)

48. Waste Storage Facilities and Management Strategy (Mixed Use Development)

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

- a) The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- b) The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material;
- c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements; and
- d) A hot and cold water hose cock shall be provided within the room.

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

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

49. Food Premises - Detailed Plans

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food

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

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

50. Food Premises - Waste Storage Area

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

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

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

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

51. Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is appropriately designed)

52. Future use of Mixed-Use Building for Commercial Tenancy

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

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

53. Housing and Productivity Contribution (HPC)

Before the issue of the Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$727.760.03
Total housing and productivity contribution	\$727,760.03

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2023 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

(Reason: To require contributions towards the provision of regional infrastructure)

54. Structural Elements in the Vicinity of Public Drainage Infrastructure

Structural support elements adjacent to an easement, public drainage pipe or natural water course, must be founded outside the zone of influence, being a 45° line measured upwards from the invert level of the pipe or natural watercourse to the ground surface. Details of the design, prepared by a structural engineer, are to be submitted to the Council or registered certifier.

(Reason: To protect the integrity of drainage infrastructure and to ensure proper building foundations)

55. Floor Levels

Floor levels shall comply with the Council's flood advice letter and the flood

impact assessment report prepared by GRC Hydro dated 26/9/2024, updated on 6/11/2024 and subsequent supplementary response letter dated 27/8/2025 by way of providing a minimum floor level for the medium rigid vehicles parking spaces of at least 0.15m above the 1% annual exceedance probability flood level and a minimum floor level for the ground level of the building of at least 0.5m above the 1% annual exceedance probability floor level at that respective part of the site. Detailed plans showing the compliance are to be submitted with the Construction Certificate application.

(Reason: To provide acceptable levels of safety in the event of flooding)

56. Civil Engineering Design Verification

Written verification from suitably qualified and practising civil engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood report (flood impact assessment report prepared by GRC Hydro, reference number 200114, dated 6/11/2024 and subsequent supplement response letter dated 27/8/2025) including any recommended flood mitigation measures (such as sub floor design) and that the development will have no adverse impact on flood levels for adjoining properties.

(Reason: To ensure a suitable design that will achieve reasonable levels of safety during flood events without impacting upon adjoining properties)

57. Parking and Access

Parking layouts, driveways, internal ramps, turning areas and parking spaces are to ensure compliance with applicable provisions of AS2890.1:2004 including:

- a) Circulation roadways and ramp widths shall comply with section 2.5.2.
- b) Circulation ramp grades and transitions are to comply with section 2.5.3. A longitudinal section along the steepest side the ramp demonstrating compliance shall be prepared.
- c) Kerbs shall be at least 300mm wide and 150mm high to either side of a ramp.
- d) Pedestrian sight distances are to be provided in accordance with section 3.2.4.
- e) Headroom clearance measured from the floor to the underside of any ceiling, beam, ventilation duct, service conduit, open door or other structure shall a minimum of 2.5m in the location of accessible parking spaces and 2.2m elsewhere.
- f) A crest at least 100mm higher than the top of the road side kerb at the upstream side of the driveway shall be provided within the driveway area, or if the site is affected by the 1% annual exceedance probability flood, then then crest shall be greater of 100mm higher than the top of the road side kerb at the upstream side of the driveway or 150mm above the 1% level at all points.
- g) Directional arrows for internal circulation shall be prominently displayed. The entry/exit driveway shall be line marked.
- h) The width of the circulation roadway and ramps shall comply with clause 2.5 of AS2890.1:2004.

- i) Any amendments to the levels within the road reserve shall be submitted to and approved by Council's Engineering Team. All works required within the road reserve are to be designed and built by the applicant to the satisfaction of Council. All costs shall be borne by the applicant.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier.

(Reason: To ensure satisfactory vehicle access and parking)

58. Basement Pump Out Drainage System

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

- a) The catchment area of the driveway no exceeding 60m².
- b) A sump with dimensions 1m by 1m and depth 300mm.
- c) Provision of tank storage volume based upon the 100 year average recurrence interval storm event for a 90 minute storm duration, with further provision within the car park area to accommodate the 100 year average recurrence interval even based upon a 12 hour storm duration.
- d) Provision of dual submersible pump units where each have a discharge rate equal to the 100 year average recurrence interval for a 5 minute storm duration.
- e) The water level and location for the collection of water, outside of the tank storage. The collection / storage area may be co-located with car parking and access aisles. Any other use, including storage for units within the building must be located at least 100mm above the water level of the collection area.
- f) Measures to be enacted that immediately alert the owners of the building that a pump failure has occurred, including in scenarios when the building may be unoccupied.

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

59. Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow stormwater drainage channel, generally in accordance with the Stormwater plan prepared by Kozarovski & Partners; Drawing number C-3732-01 to -16, Revision number "13", dated 29/9/2025 and clarification drawing (D340, revision "C1" dated 21/8/2025) and response letters dated 20/10/2025 subject to the following amendments:

- a) The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1% annual exceedance probability storm event into the on-site detention system with no gutter overflows.
- b) The outlet pipe from the pit on to the public stormwater drainage system (Box culvert) shall be in a falling gradient of 1% towards the channel and in the direction of flow of drainage system.

(Reason: To ensure effective and appropriate disposal of stormwater)

60. Stormwater Management

Detailed drainage plans must be submitted along with certification from a qualified civil engineer that:

- a) the submitted design, including any associated components such as water sensitive urban design measures are in accordance with the requirements of AS 3500.3 - Stormwater drainage.
- b) To the extent that any variations to AS 3500.3 are sought, certification that the design is in accordance with the requirements of the Cumberland Development Control Plan.
- c) the submitted design is consistent with the approved architectural and landscape plans and any amendments to those plans required by conditions of this consent.

(Reason: To ensure that the design of the stormwater management system conforms to the Council's Development Control Plan and applicable standards)

61. Stormwater Discharge

A licensed plumber or civil engineer engaged on the applicant's behalf shall inspect the discharge point of existing stormwater infrastructure from / on the site and ensure that stormwater plans submitted with the Construction Certificate application:

- a) Include a sufficient number of downpipes and or inlets to accommodate site stormwater based upon a 20 year average recurrence interval storm event.
- b) Involve a discharge point of a size to facilitate stormwater generated from the site without creating adverse impacts for neighbouring properties.

(Reason: To ensure implementation of the development's stormwater management system aligns with the controls and objectives of the Council's Development Control Plan)

62. Water Sensitive Urban Design

Water sensitive urban design measures shall be incorporated as a part of site stormwater management to ensure appropriate water quality treatment for stormwater runoff. Details of the measures are to be submitted to the Council or registered certifier for approval with the Construction Certificate application and shall include:

- a) MUSIC modelling, submitted in electronic format, inclusive of input parameters and output results that demonstrate achievements of load reduction targets for pollutants nominated at Table 5 of part G4, section 2.5 of the Cumberland Development Control Plan, or as required by Sydney Water Removal efficiency parameters must be consistent with the manufacturer's pollutant removal efficiency.
- b) All surface runoff from impervious areas including the roof, car parking area, driveway and roads being directed to water quality treatment systems.
- c) A first flush system sized to accommodate a one in three months storm

event that directs high concentrated pollutants within site runoff to the treatment system.

(Reason: To ensure improvement of stormwater quality, improve waterway health and to develop and maintain ecologically sustainable waterways)

63. Stormwater Drainage into Channel

The disposal of stormwater into the adjacent channel is subject to further approval by Sydney Water under s.73 of the Sydney Water Act 1994. The application for approval shall be accompanied by details of proposed disposal measures.

(Reason: Protection and maintenance of infrastructure and the natural environment)

64. Flood Risk Management

The development shall comply with Council's Flood Risk Management Policy. Supporting documents prepared by a suitably qualified and practising engineer with experience in floodplain risk management that demonstrate compliance with the controls of the medium and high flood risk precinct nominated at pages 6-7 of the policy shall be submitted to and approved by the Council or registered certifier.

(Reason: To mitigate risks from flooding)

65. Incorporation of Soil Vault System

Prior to the Issuing of a Construction Certificate, the applicant in consultation with a suitably qualified landscape designer/architect are to *incorporate a soil vault system to extend from the kerb to the building edge except in the areas where existing street trees have been retained* where the proposed street tree planting along the Bachell Avenue frontage in pavement is to occur. This is to ensure that the proposed street tree planting has sufficient soil volume to reach their full growth potential.

(Reason: To ensure the site landscaping thrives)

66. Conflict with Existing Sewer Line

To eliminate conflict with the Sydney Water sewer line, the applicant shall liaise with Sydney Water for appropriate measures. The recommended measures shall be implemented to the satisfaction of Sydney Water. Upon completion of these measures, relocation work and decommissioning of the redundant section of the sewer line and any associated works, a certificate of compliance shall be obtained from Sydney water.

(Reason: To eliminate conflict with the sewer line)

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work**67. Appointment of Principal Certifier**

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

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

(Reason: Statutory requirements)

68. Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and shall be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)

69. Principal Certifier Sign

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

- a) shows the name, address and telephone number of the Principal Certifier;
- b) shows the name and address of the principal contractor (if any) and a telephone number on which that person may be contacted outside of work hours.
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained whilst ever the work is being carried out and

must be removed when the work has been completed.

(Reason: Statutory requirement)

70. **Sydney Water Tap in Approvals**

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

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

(Reason: Statutory requirement)

71. **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)

72. **Protection of Landscape Features**

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

Species	Location
2 x <i>Corymbia maculata</i> (spotted gum)	Street trees. South of the intersection with Rawson Avenue
T12 <i>Casuarina glauca</i> (Swamp Oak group)	Neighbouring NSW State Rail Corridor. Ground protection required
T14 <i>Eucalyptus maculata</i> (Spotted gum)	Street tree. South of the intersection with Rawson Avenue

The fencing must extend a minimum of 2m beyond the trees' trunk or to the extent of the closest kerb or property boundary, be at least 1.8m high, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the

area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

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

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

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date. When lodging the 'Application for Road Occupancy Licence' fees are payable in accordance with Council's adopted fees and charges.

(Reason: Protection of Public Assets and information)

Conditions Which Must be Satisfied During any Development Work

74. Construction Hours

Construction and all related activities including the delivery of materials to the site may only take place between the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work is to occur on Sundays and public holidays.

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

Note: Construction hours may also be regulated through State legislation and policies, and any works need to comply with these requirements.

(Reason: To minimise impacts on neighbouring properties)

75. Drainage

The existing drainage channels must remain in a functional state until such time as the new culverts have been constructed and can drain water through the site. Once the new channels are operational, the existing channels may be decommissioned and removed.

76. Dust Control

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

- a) Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
 - ☐ Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
 - ☐ Dust must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
 - ☐ Soil and material stockpiles are to be kept damp or covered.
 - ☐ Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
 - ☐ Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

77. 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)

78. Construction Management Plan

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

A copy of the plan must be kept on site at all times and made available to the Principal Certifier or Council on request.

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

79. Monitoring of Field Parameters

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

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

80. 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)

81. General Site Requirements during Demolition and Construction

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

- a) Two entrances are permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath for the full width of the entrance area.
- b) No blasting is to be carried out at any time during construction of the building.
- c) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- d) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- e) Any demolition and excess construction materials are to be recycled wherever practicable.
- f) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- g) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- h) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
- i) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
- j) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- k) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- l) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- m) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

82. Compliance with Hazardous Materials Survey Report

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

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

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

83. Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW EPA's *Waste Classification Guidelines*, Part1: Classifying Waste (2014). The materials must be transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and the requirements of their relevant classification.

(Reason: Environmental protection)

84. Importation of Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Validation shall take place by one or both of the following methods:

- a) Provision of documentation from the supplier certifying that the material is not contaminated based upon analysis of the material for the known past history of the site from where the material was sourced; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

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

85. Notification of New Contamination Evidence

Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Council.

Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process. If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.

Where a NSW accredited Site Auditor is engaged, an Occupation Certificate must not be issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use.

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

86. Excavation Pump-out

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the prior approval of Council is obtained. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Fresh and Marine Water Quality and the NSW Department of Housing, Managing Urban Stormwater - Soils and Construction 2004.

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative approved means.

Results of water testing shall be provided to Council or, if a validation report is required, within that report. Where water is disposed of by alternate means, details of the off-site disposal shall be provided to Council or, if a validation report is required, included within that report.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental amenity)

87. Site Cranes

Site crane/s and hoist/s must comply with all relevant parts of Australian Standards 1418, 2549 and 2550. Cranes must not swing or hoist over any public place unless approval has been obtained for such under section 68 of the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

88. Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter that detracts from the streetscape)

89. Road and Footpath Opening Permit

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere with a structure, work or tree on a public road; or pump water into a road without the consent of the appropriate roads authority. Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place. When lodging the 'Application for Road and Footpath Opening Permit' fees are payable in accordance with Council's adopted fees and charges.

Note: Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered by a separate application process.

(Reason: Maintain public asset)

90. Arborist Inspections

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

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

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

91. Tree Protection

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

(Reason: Tree preservation)

92. Pruning Adjoining Trees

Subject to the adjoining owners consent, permission is granted for the selective pruning of overhanging branches from the following tree/s located on the adjoining property:

Species	Location
T12 <i>Casuarina glauca</i> (Swamp Oak)	Neighbouring NSW State Rail Corridor

This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning on the neighbouring property. If compliance with AS 4373 - 2007 'Pruning of Amenity Trees' necessitates entry on to a neighbouring property, the applicant must negotiate such access with the tree owner. No more than 10% of live crown is to be removed as part of this approval. The pruning shall not give the crown an unbalanced appearance and all pruning must be undertaken by an AQF Level 3 Arborist and conform to AS 4373 - 2007 'Pruning of Amenity Trees'.

(Reason: Tree preservation and amenity of neighbouring property)

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

Any excavation that is required and may impact the SRZ area of the following tree/s to be retained is to be undertaken by hand or by non-destructive digging methods, under the supervision of an AQF Level 5 Project Arborist.

Species	Location	TPZ	SRZ
2 <i>Corymbia maculata</i> - spotted gum	Street trees. South of the intersection with Rawson Avenue	2000mm	1500mm
T12 <i>Casuarina glauca</i> (Swamp Oak group)	Neighbouring NSW State Rail Corridor. Existing fence is adequate. Ground protection required.	undefined	2000mm
T14 <i>Eucalyptus maculata</i> (Spotted gum)	Street tree. South of the intersection with Rawson Avenue	3000mm	1500mm

In the event that major structural or feeder roots (>50mm in diameter) are encountered during excavation works, the consulting arborist is to recommend and or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or a work, a practicing structural engineer must certify that the proposal complies with the National Construction Code and/or Australian Standards.

(Reason: Tree preservation)

94. Removal of Trees

The following trees are approved for removal:

Tree Number	Species	Location
1	<i>Robinia pseudoacacia</i> (Black Locust)	North of site - east of existing canal
2	<i>Robinia pseudoacacia</i> (Black Locust)	North of site - east of existing canal
3	<i>Yucca recurvifolia</i> (Yucca)	Site frontage
4	<i>Yucca recurvifolia</i> (Yucca)	Site frontage

5	<i>Lophostemon confertus</i> (Brush box)	Street tree
6	<i>Lophostemon confertus</i> (Brush box)	Street tree
7	<i>Callistemon citrinus</i> (Crimson Bottlebrush)	Site frontage
8	<i>Grevillea banksia</i> (Banks Grevillea)	Site frontage
9	<i>Callistemon citrinus</i> (Crimson Bottlebrush)	Site frontage
10	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Site frontage
11	<i>Callistemon citrinus</i> (Crimson Bottlebrush)	Site frontage
13	<i>Grevillea banksia</i> (Banks Grevillea)	Site frontage
15	<i>Casuarina glauca</i> (Swamp Oak)	West of site
18	<i>Casuarina glauca</i> (Swamp Oak)	West of site
19	<i>Casuarina glauca</i> (Swamp Oak)	East of site

Refer to Arborist report prepared by Horticultural Management Services for locations.

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

95. **Tree Planting**

Minimum standards for soil areas and depths are to be in accordance with the following table:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m

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

96. **Obstruction/Temporary Occupation of the Public Road/Footpath Area**

The road inclusive of footpath area is not to be occupied by building plant such as cranes and cement trucks, building materials, waste materials, waste bins, toilets and the like unless prior approval for such is obtained from the Council (or in the case of a classified road, from Transport for NSW) in the form of a Road Occupancy Licence.

(Reason: To ensure suitable and safe functioning of public road areas)

97. Vehicular Access and Manoeuvring

Internal traffic management devices comprising of stop signs / give way signs / traffic convex mirrors / one way traffic directional arrows etc shall be installed at the parking areas on each level as shown on the approved plans.

(Reason: To improve traffic circulation and safety)

98. Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

99. Progress Survey - Development Over Two Storeys

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

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

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

(Reason: To ensure compliance with approved plans)

100. Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the buildings.

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

101. Aboriginal Relics or Objects

If a relic, as defined in the Heritage Act 1977, or an Aboriginal object, as defined in the National Parks and Wildlife Act 1974, is discovered during works, the applicant must notify the Heritage Council of NSW in respect of a relic and notify

the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

(Reason: To retain Aboriginal heritage)

102. Anti-Graffiti Coatings

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

Reason: To minimise the opportunity for graffiti)

103. Construction Within Boundary

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

(Reason: To prevent encroachment on other land)

104. 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)

105. Food Premises - Design, Construction and Fitout of Food Premises

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

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

106. Liquid Trade Waste

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

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

107. Mechanical Ventilation

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

and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards)

108. Waste Management

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

(Reason: Compliance with approval)

109. Construction and Operating Standards for Skin Penetration Premises

The construction, fit out and operation of the medical centre premises (to the extent skin penetration procedures may or will take place), must comply with the requirements of the *Public Health Act 2010* and the *Public Health Regulation 2022*.

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

110. Land Remediation (no auditor engaged)

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by Sullivan Environmental Services dated 29 November 2023 reference SES_500. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

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

111. Sediment and Erosion Control Measures

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

- a) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or waterways.
- b) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system shall take place prior to the fixing of the roof cladding.

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

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

112. Dewatering

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

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

- ☐ State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

113. Stormwater Connection to Public Drainage System Within the Property

Connection to the public drain within the site is to take place in accordance with the approval obtained under s.73 of the Sydney Water Act 1994 from Sydney Water. Inspections shall be undertaken as required by Sydney Water.

(Reason: To ensure the proper construction and integrity of the public stormwater assets)

114. Pump Out Drainage System

An alarm system comprising of a basement pump-out failure warning sign together with a flashing strobe light and siren are to be installed at a clearly visible location at the entrance to the basement.

Measures identified with the Construction Certificate application for alerting owners of the building that a pump failure has occurred are to be implemented.

(Reason: To ensure safe conditions associated with the collection and pumping of water within the basement)

115. Power Pole

The power pole within Bachell Avenue and generally aligned to the southern side of Rawson Street, along with associated overhead wires, is to be removed or relocated to the satisfaction of the relevant energy provider.

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

116. Accessible Parking Spaces

All accessible parking spaces and shared zones, inclusive of bollards, must be provided in accordance with AS2890.6:2022.

(Reason: To ensure provision of parking suitable to driver needs)

117. Notice of Demolition

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

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

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

118. Demolition - Asbestos

For demolition works involving asbestos, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works. Barricades to delineate and isolate the asbestos removal area and prevent public access are to be installed prior to the commencement of asbestos removal works and remain in place until works are completed. The type of barricading should reflect the level of risk.

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

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

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

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

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

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

119. Critical Stage Inspections - General

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

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

(Reason: Statutory requirement)

120. Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

The following critical stage inspections must be carried out:

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

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

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

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

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

(Reason: Statutory requirement)

121. Overland Flow Path Inspections

The stormwater drainage and/or overland flowpath works shall be inspected during construction, by a suitably qualified and practising civil engineer. Documentary evidence of compliance with part G4 of the Cumberland Development Control Plan, Council's Flood Risk Management Policy and the approved flood report shall be obtained prior to proceeding to the subsequent stages of construction, encompassing the following key stages:

- a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the works within the overland flowpath.
- b) Prior to landscaping and/or pouring concrete within the overland flowpath.
- c) Final Inspection.

(Reason: To protect and maintain overland flowpath)

122. Flood Safety - Electrical Connections and Flood Sensitive Equipment

All new electrical connections and flood sensitive equipment must be located above a freeboard level of 0.5m above the 1% annual exceedance probability flood level.

(Reason: To provide reasonable levels of safety)

123. Electric Vehicle Facilities

During construction 100% of the car spaces shall be provided with cabling to ensure future installation of a 'Level 2' electric vehicle charging point.

Note: 'Level 2' charging consisting of a single or three-phase power point with a power range of 7kW-22kW, as defined by the NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019).

(Reason: To assist in the NSW government and Transport for NSW's vision to reach zero emissions by 2050)

Conditions Which Must be Satisfied Prior to the Issue of an Occupation Certificate

124. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, unless an Occupation Certificate has been issued in relation to the building or part. Before issuing an Occupation Certificate, the Principal Certifier must be satisfied that:

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

(Reason: Statutory requirement)

125. Final Clearance

A final clearance is to be obtained from the relevant energy service provider.

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

126. Section 73 Compliance Certificate

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

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

127. Structural Engineer's Certificate

A certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifier certifying that all foundation works/reinforced concrete/structural members have been carried out/erected in

accordance with the engineer's requirements and the relevant standards/codes.

(Reason: To ensure the building is constructed in a structurally sound manner)

128. Certification of Engineering Works

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

- a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
- b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
 - ☐ the stormwater drainage system;
 - ☐ car parking provision;
 - ☐ the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1:2004;
 - ☐ any related footpath works;
 - ☐ any basement mechanical pump; and
 - ☐ the proposed driveway and layback.

(Reason: Asset management)

129. 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 the existing public drainage pit/pipe system;
- b) construct a new vehicular crossing;
- c) 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)

130. Construction of Concrete Kerb and Gutter

A standard 150mm high concrete kerb with gutter shall be constructed to replace the damage sections adjacent to the front of the property.

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

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

131. Concrete Footpath

A 2000mm wide concrete footpath shall be provided along the frontage to 2 Bachell Avenue, Lidcombe.

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

(Reason: To ensure satisfactory pedestrian amenity)

132. Basement Line Marking

The basement car park shall be line marked and / or sign posted in accordance with the requirements of AS2890.1:2004, AS2890.2:2018 and AS2890.6:2022.

(Reason: To delineate parking and manoeuvring space for safety and convenience)

133. Wheel Stops

Wheel stops shall be provided as required by, and in accordance with, AS2890.1:2004.

(Reason: To prevent cars from colliding with other structures)

134. Mechanical Ventilation - Compliance

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

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

135. Notification of Skin Penetration Business

If the medical centre use involves skin penetration procedures, then prior to the issue of any Occupation Certificate, the skin penetration business must notify Council of their business details in accordance with the *Public Health Act 2010*. Registration forms are available from Council's website.

(Reason: To ensure skin penetration businesses provide their details to Council)

136. Notification of Food Business

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice (at least one week prior to operating), to the appropriate enforcement agency, in the approved form, the details of the food business, in accordance with the *Food Act 2003* and the *Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements*, clause 4.

Registration forms are available on request from Council's website.

(Reason: Registration and notification to relevant authorities)

137. Handwash Facility

Prior to the issue of the Occupation Certificate, the Council or Principal Certifier must ensure that there are adequate hand washing facilities within 5m of a food handler.

Hand washing facilities must be:

- permanent fixtures fitted with non-hand operated taps
- connected to or provided with a supply of warm running potable water,
- of a size that allows easy and effective hand washing
- accessible
- provided with soap and single use towels (or air drier) and a container for used towels
- clearly designated for the sole purpose of washing hands, arms and face.

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

138. Acoustic Verification Report

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

- a) All recommendations contained in the DA acoustic report prepared by The Acoustic Group, dated 17 October 2023 and referenced 53.5499.R1B:MSC and the supplementary information prepared by The Acoustic Group dated 23 September 2024 referenced as 54.5499.L2, and Response to SOFAC prepared by The Acoustic Group referenced as 55.5499.L3 dated 26 August 2025 have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

(Reason: To protect residential amenity)

139. Site Validation (no auditor engaged)

Prior to the issue of any Occupation Certificate a site validation report is to be prepared by a suitably qualified environmental consultant in accordance with the *Contaminated Land Management Act 1997* and any relevant guidelines endorsed by the NSW EPA with a copy submitted to the Principal Certifier. The report is to satisfactorily document the following:

- a) Confirmation that the site has been remediated and validated in accordance with the recommendations set out within the Remedial Action Plan (RAP) prepared by Sullivan Environmental Services dated 29 November 2023 reference SES_500, and the guidelines that are in force from time to time under the *Contaminated Land Management Act 1997*.
- b) Detail any approved variations to the RAP made by a suitably qualified environmental consultant with a copy of the revised RAP provided to Council. Note: Where the variation alters the approved development consent plans, appropriate prior approval from Council must be obtained for the changes.

- c) Verification that the site is suitable for the proposed approved use with clear justification.

(Reason: Statutory Requirement)

140. Fire Safety Certificate

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

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

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

(Reason: Fire safety)

141. Evacuation Plan - Child Care Centres

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

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

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

(Reason: Safety)

142. Landscape Works

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

(Reason: Landscape certification)

143. Arborist's Report - Follow up

As part of the on-going assessment of the tree/s to be retained, the consulting

arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate. This report must document:

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

(Reason: Ensure survival of trees to be retained)

144. Street Trees

The applicant shall meet the full cost to remove existing street tree/s and plant 75 litre (container size) *Tristaniopsis* 'Luscious' trees as indicated on the landscape plan at 10m centres.

The tree/s shall be maintained by the applicant in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

(Reason: Tree preservation and environmental amenity)

145. Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

146. Certification of the Constructed Stormwater Drainage System

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

(Reason: Adequate stormwater management)

147. OSD Identification Plate

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

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

148. Completion of Public Road Assets

To ensure assets in the public road, including vehicular crossings, pedestrian footpaths, kerbing, guttering and any roadworks are completed to a satisfactory level, an Occupation Certificate is not to be issued until such time as a satisfactory completion certificate has been obtained from Council's engineers.

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

149. Business/Trade Commercial Waste Collection

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

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

150. Telecommunications/TV Antennae

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

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

151. On-Site Stormwater Detention Area Warning Sign

The applicant shall provide an OSD area warning sign within the above ground basin. Content of the sign is to be in accordance with appendix C of the 3rd edition of the Upper Parramatta River Catchment Trust Handbook.

(Reason: To provide warning that stormwater may rise and cause ponding)

152. On Site Detention System Maintenance Schedule

A suitably qualified and practising civil engineer shall prepare a maintenance schedule for the on-site detention system in a manner similar to the example provided at figure B.2.3 of the 3rd edition of the Upper Parramatta River Catchment Trust Handbook. The schedule shall include a sketch plan of the components forming the on site detention system.

(Reason: To ensure owners are aware of maintenance requirements of the system)

153. Installation of Confined Spaces Sign and Step Irons

Step irons at 300mm centres and a confined spaces sign shall be provided to each access point of any on site detention / pump out tank.

(Reason: To ensure safe access)

154. Adjustment to Traffic Control Measures

Adjustment of traffic control measures is to take place, at the applicant's expense, in accordance with the terms of the approval from the Cumberland Traffic Committee.

(Reason: To ensure traffic control measures such as street signs and line marking are sited located in an approved and appropriate location)

155. Structural Elements in the Vicinity of Public Drainage Infrastructure

Certification is to be provided from a structural engineer that structural support

elements adjacent to any easement, public drainage pipe or natural water course, are founded outside the zone of influence, being a 45° line measured upwards from the invert level of the pipe or natural watercourse to the ground surface.

(Reason: To protect the integrity of drainage infrastructure and to ensure proper building foundations)

156. Satisfaction of Flood Requirements - Flood Affected Land

Written verification from a suitably qualified flood engineer shall be provided to the principal certifier stating that:

- a) Requirements, recommendations and mitigation measures of the Flood Impact Assessment Report have been implemented and complied with;
- b) The floor level to the habitable and non-habitable areas must comply with the minimum floor level and freeboard requirements; and
- c) The completed development will have no adverse impact on adjoining properties, will not increase flood levels and will not extend land affected by flooding.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

157. Work as Executed Plans - Flood Affected Land

Work as executed plans prepared by a registered surveyor shall be submitted to the principal certifier addressing adherence of the following building and landscaping elements to the approved plans and conditions of this consent:

- a) Location, levels and sizes of pipes and pits;
- b) Finished floor levels; and
- c) Finished ground levels following completion of landscaping.

The work as executed plans shall be reviewed by a qualified civil or hydraulic engineer who is record updated overland flow paths and certify that overland flows will not adversely affect neighbouring land or extend areas affected by flooding as compared to the pre-development situation.

Any departures from approved plans or conditions are to be notified to the Council and, if required by the Council, rectified prior to the issue of the Occupation Certificate.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

158. Positive Covenant - Basement Pump Out System

A positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the pump out system. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure proper upkeep and functionality of the pump out system)

159. Positive Covenant - Stormwater Quality Improvement Device

A positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the stormwater quality improvement device/s. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure proper upkeep and functionality of the stormwater quality improvement device/s)

160. Restriction of the Use of Land - Stormwater Quality Improvement Device

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

(Reason: To ensure the stormwater quality improvement device(s) is not altered so as to adversely affect functionality of the system)

161. Restriction of the Use of Land - Storage of Stormwater/Floodwater

A restriction on the use of land shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council preventing alteration to the stormwater / floodwater storage system without the prior approval of the Council. Council shall be identified as the authority with power to release, vary or modify the restriction. The wording of the restriction shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure the flood storage capacity is not impeded and to help avoid adverse impacts to downstream land)

162. Positive Covenant - On Site Detention

A positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the on site detention system. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

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

163. Restriction of the Use of Land - On Site Detention

A restriction on the use of land shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council preventing alteration to the on site detention system without the prior approval of the Council. Council shall be identified as the authority with power to release, vary or modify the restriction. The wording of the restriction shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

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

164. Positive Covenant - Overland Flowpath

A positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the overland flowpath. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure proper upkeep and functionality of the on overland flowpath)

165. Restriction of the Use of Land - Overland Flowpath

A restriction on the use of land shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council preventing alteration to the flowpath represented by the 1% annual exceedance probability flood level identified on Flood Impact Assessment report prepared by GRC Hydro, reference number 200114, dated 26/9/2024, updated on 6/11/2024, and subsequent supplementary response letter dated 27/8/2025 without the prior approval of the Council. Council shall be identified as the authority with power to release, vary or modify the restriction. The wording of the restriction shall be consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure the overland flowpath is not inhibited to help avoid adverse impacts for downstream land)

166. Traffic Control Measures

Works as approved by the Cumberland Local Transport Forum shall be carried prior to the release of the Occupation Certificate, at the applicant's expense.

(Reason: To ensure road safety and convenience)

167. Easement Registration

Prior to the decommissioning of the existing channel, a Certificate of Compliance shall be obtained from Sydney Water in respect to the creation of a public drainage easement over the newly relocated stormwater drainage culvert covering the box culvert and the adjoining strip of land shall be created benefitting Sydney Water. The width of the drainage easement shall be at least the width of the culvert structure measured between the extreme outer edges of the structure plus 1m on either side section or as required by the Sydney Water, whichever is the larger, and no less than 4.5m.

The easement and terms thereof must be created under the provisions of s.88B of the Conveyancing Act, 1919.

(Reason: To protect the public asset)

168. Decommissioning of the Redundant Section of the Existing Stormwater Channel and Removal from Existing Location

After construction of the new culvert and testing the functionality to the satisfaction of Sydney Water, the redundant section of the existing stormwater drainage channel shall be decommissioned and removed entirely from the existing location. If there is any easement along the redundant section of the existing culvert, then the easement must be released with consent from Sydney Water.

(Reason: Management of public asset)

169. Flood Evacuation Plan

As the site is identified as being affected by the Probable Maximum Flood (PMF) event, an emergency flood evacuation plan shall be prepared for the evacuation of occupants to a safe refuge at a location higher than the PMF, whether on-site or off site. A copy of the plan shall be submitted to Council for its record purposes.

(Reason: To ensure safety of person in the event of a flood)

170. Electric Vehicle Charging Points

Prior to the issue of the Occupation Certificate, the development shall provide 5% of the 553 car spaces (i.e. 28 spaces) with a 'Level 2' electric vehicle charging point.

Note: 'Level 2' charging consisting of a single or three-phase power point with a power range of 7kW-22kW, as defined by the NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019).

(Reason: To assist in the NSW government and Transport for NSW's vision to reach zero emissions by 2050)

Conditions Which Must be Satisfied During the Ongoing Use of the Development**171. Clinical Waste**

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

(Reason: To ensure control of clinical waste)

172. Sharps Waste Disposal

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

(Reason: To ensure safe disposal of sharps waste)

173. Trading Outside the Building

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

(Reason: Safety and amenity)

174. Deliveries

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

(Reason: To control noise impacts)

175. Removal of Litter and Graffiti

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

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

176. Flashing Lights

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or directed towards any external sign, unless part of an emergency or warning system.

(Reason: Environmental protection)

177. Hours of Business Operation

The hours of operation are restricted to between:

Use	Hours of Operation
Parking without swipe card access	7.00am to 7.00pm, daily
High technology industries – level 3	8.00am to 7.00pm, Monday to Friday Closed Public Holidays
High technology industries – level 4	8.00am to 7.00pm, Monday to Friday Closed Public Holidays
Specialised retail	7.00am to 7.00pm, Monday, Wednesday and Friday; 9.00am to 9.00pm Thursday; and 9.00am to 5.00pm Saturday and Sunday
Office premises	8.00am to 7.00pm, Monday to Friday Closed Public Holidays
Food and drink premises – ground floor	8.00am to 12.00am, daily, with ground level terraces closing at 10.00pm
Food and drink premises – level 1	8.00am to 12.00am, daily
Café – level 5	8.00am to 12.00am, daily
Gymnasium	5.00am to 10.00pm, daily
Light industries	4.00am to 7.00pm, daily. Closed public holidays
Health facility	7.00am to 7.00pm, Monday to Friday and 7.00am to 5.00pm Saturdays and Sundays
Child care centre	7.00am to 7.00pm, Monday to Friday Closed Public Holidays
Animal boarding facility	8.00am to 7.00pm, Monday to Friday Closed Public Holidays

(Reason: To minimise amenity impacts for nearby land)

178. Lighting Nuisance

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

(Reason: Environmental amenity)

179. 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)

180. Plan of Management

The use shall be operated and managed in accordance with the Plan of Management, dated 22 October 2025. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

181. Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

182. Air Emissions

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

(Reason: To protect human health and the environment)

183. General Noise Emission Criteria

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

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

(Reason: To protect residential amenity)

184. No speakers or Amplified Sound Equipment Outside

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

(Reason: To protect residential amenity)

185. Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

186. Parking

553 parking spaces comprising 504 general spaces, 26 non accessible spaces for the child care centre, 1 accessible space for the child care centre, 9 accessible parking spaces for general use, 10 spaces for the light industries, 2 car share spaces and 1 ride share space that are numbered and line marked in accordance with the approved plans are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

187. Vehicle Access

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

(Reason: Traffic and pedestrian safety)

188. Control of Noise

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

(Reason: Public interest)

189. Centre-based Child Care Facility

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

(Reason: Clarify approved use)

190. Approved Child Capacity

Approval is granted for a maximum child placement of 106 children.

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

(Reason: Clarify the terms of the approved use)

191. Footway Lease - Business Use of Footpath

Occupation of the footpath/public road area proximate to the site for the purpose of outdoor dining or the display and selling of any article is not permitted unless Council's prior consent has been obtained under the *Roads Act 1993*.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the use of footpath and renewed annually.

(Reason: To ensure appropriate consent is obtained)

192. Boundary Fencing for Flood Affected Land

Fencing within the 1% annual exceedance probability flood level shall not impede overland flows. Measures such as the provision of open type pool fencing or a frangible screen must be incorporated for those areas below the 1% annual exceedance probability flood level.

(Reason: To ensure overland flow is maintained and that any localised flooding is not exacerbated)

193. Delivery Vehicle Size Limit

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

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

194. Service Vehicle Area

All loading/unloading activities are to be undertaken in accordance with measures included within the approved 'Worksite traffic control and loading dock management plan'. Manoeuvring areas must be kept clear of obstructions at all times. No change is permitted to the 'Worksite traffic control and loading dock management plan' without the prior written agreement of Council. All delivery and waste vehicles must enter and leave the site in a forward direction.

(Reason: To ensure satisfactory loading and unloading arrangements that minimise disruption to site access and local traffic movement)

195. Flood Evacuation Procedures

The approved flood evacuation plan, including identification of a refuge point, is to be displayed in a prominent position within the building.

(Reason: To promote flood safety awareness)

196. Stormwater Quality Treatment Devices

All installed stormwater quality treatment devices shall be maintained in a good operating order.

(Reason: To minimise pollution of stormwater leaving the site)

197. Implementation of Green Travel Plan

The approved Green Travel Plan shall be implemented for the life of the development and form part of the lease agreement to all future tenants for ongoing purposes.

(Reason: To ensure the Green Travel Plan is imposed)

198. Signs

The signs that form part of this consent must have content that is in English, whether or not also containing another language. The content shall relate to the name of the premises within the building and / or products or services they deal with and shall not be offensive in nature. Any sign for which the Council's General Manager in the future informs the owner as to the content being offensive, shall be removed within 72 hours of such notice being given.

(Reason: Clarify the terms of approval)

199. Use of Recreation Facility (Indoor)

The recreation facility (indoor) premises (also shown on floor plans as a 'gym') may be used as a gymnasium but may not be used, without the prior consent of the Council as an indoor swimming pool, bowling alley or ice rink

(Reason: To clarify the terms of approval, as the capacity of the structure to support a pool or ice rink is uncertain and as acoustic impacts of a bowling alley are uncertain)

200. Use of the Food and Drink Premises

The food and drink premises may be used as a restaurant, cafe, or take away food and drink premises, but may not be used, without the prior consent of the Council a pub or small bar.

(Reason: To clarify the terms of approval and as noise, operating capacity and amenity impacts from pubs and small bars are uncertain)

201. Use of the Health Services Facility

The health services facility on level 2, under no circumstances, is to be used as a patient transport facility or as a hospital without the prior consent of Council.

(Reason: To clarify the terms of approval and as a patient transport facility or a hospital would be incongruent with the use of the remaining part of the site)

202. Use of the Light Industry Premises

The light industry premises are, under no circumstance, to be used as a home industry, as the approved areas are unsuitable for use for residential purposes.

(Reason: To clarify the terms of approval)

203. Metering and Monitoring of Energy Consumption

A metering or monitoring system must be incorporated for the energy consumption of the building, consistent with that sought by s.3.2(1)(e) of State Environmental Planning Policy (Sustainable Buildings) 2022.

(Reason: To ensure compliance with s.3.2(1)(e) of the State Environmental Planning Policy (Sustainable Buildings) 2022)

204. Give Way Signs

Appropriate sign shall be provided and maintained within the site at the point of vehicular egress to signal that drivers must give way before proceeding onto

any public road.

(Reason: Adequate access and egress)

205. Noise Amenity

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

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

206. Air Emissions - Amenity

In the event of Council's Authorised Officers receiving justified odour complaints, the owners (at their own costs) must engage the services of a professional engineer to undertake an odour assessment to ensure air discharges do not cause odour nuisance (as defined by the Protection of the Environment Operations Act 1997) to nearby uses.

(Reason: To protect residential amenity, protect human and environmental health and minimise odour nuisance)

Advisory Notes

1. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets it is recommended that you contact Before You Dig before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Before You Dig service in advance of any construction or planning activities.

2. Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.56 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information.

You are not to commence any action, works or the like on the requested modification unless and until a modified consent is issued.

3. Work Health and Safety

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

4. Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is advised to investigate their liability under that Act.

5. 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.