

**DEVELOPMENT APPLICATION  
DRAFT CONDITIONS OF CONSENT**Under the *Environmental Planning and Assessment Act, 1979*

<b>Application No:</b>	DA2024/0200
<b>Applicant:</b>	Pacific Planning Pty Ltd Level G 16 Leavesden Place SYLVANIA NSW 2224
<b>Property Description:</b>	54-68 Hampstead Road AUBURN NSW 2144 Lots 11-17 in DP 2867 and Lots D & E in DP 26290
<b>Development:</b>	Stage 2 - Demolition of existing structures including removal of trees and construction of a seven storey mixed use development comprising specialised retail, office, childcare, food and drink premise over 3 levels of basement parking associated with the section 4.22 approved development consent no. DA2020/0310.
<b>Determined by:</b>	Sydney Central City Planning Panel.

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

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

(Reason: Advisory)

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

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

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
19_066 DA2-A-S010 Rev C	Site Plan	Smith & Tzannes	05/11/2024
19_066 DA2-A-S012 Rev B	Demolition Plan - Stage 2	Smith & Tzannes	12/03/2024
19_066 DA2-A-S014 Rev B	Waste & Loading - Stage 2	Smith & Tzannes	12/03/2024
19_066 DA2-A-S015 Rev B	Waste & Loading - All stages	Smith & Tzannes	12/03/2024
19_066 DA2-A-S016 Rev C	Level 0 - Temporary Loading Dock	Smith & Tzannes	12/03/2024
19_066 DA2-A-S100 Rev E	Level C3 - South Site	Smith & Tzannes	24/02/2025
19_066 DA2-A-S101 Rev E	Level C2 - South Site	Smith & Tzannes	24/02/2025
19_066 DA2-A-S102 Rev E	Level C1 - South Site	Smith & Tzannes	24/02/2025
19_066 DA2-A-S103 Rev F	Level 0 - South Site	Smith & Tzannes	24/02/2025
19_066 DA2-A-S104 Rev D	Level 1 - South Site	Smith & Tzannes	19/02/2025
19_066 DA2-A-S105	Level 2- South Site	Smith & Tzannes	19/02/2024

Rev D			
19_066 DA2-A-S106 Rev D	Level 3 - South Site	Smith & Tzannes	19/02/2025
19_066 DA2 -A-S107 Rev D	Level 4 - South Site	Smith & Tzannes	19/02/2025
19_066 DA2-A-S108 Rev D	Level 5 - South Site	Smith & Tzannes	19/02/2025
19_066 DA2-A-S109 Rev D	Level 6 - South Site	Smith & Tzannes	19/02/2025
19_066 DA2-A-S110 Rev C	Roof-South Site	Smith & Tzannes	05/11/2024
19_066 DA2-A-S200 Rev D	Elevations - East/West	Smith & Tzannes	19/02/2025
19_066 DA2-A-S201 Rev D	Elevations - North/South	Smith & Tzannes	19/02/2025
19_066 DA2-A-S202 Rev E	Sections	Smith & Tzannes	19/02/2025
19_066 DA2-A-S203 Rev E	Atrium Section	Smith & Tzannes	19/02/2025
19_066 DA2-A-S803 Rev B	Materials & Finishes	Smith & Tzannes	12/03/2024
19_066 DA2-A-S830 Rev B	Childcare area calculations	Smith & Tzannes	12/02/2025
19_066 DA2-A-S831 Rev A	Childcare Bathrooms	Smith & Tzannes	05/11/2024
19_066 DA2-A-S832 Rev A	Childcare kitchen	Smith & Tzannes	05/11/2024
Sheet 1 of 6 Rev F	Landscape Plan - Ground Floor	Paul Scrivener Landscape	5/11/2024
Sheet 2 of 6 Rev F	Planting/Details Plan	Paul Scrivener Landscape	5/11/2024
Sheet 3 of 6 Rev F	Level 1/Level 2	Paul Scrivener Landscape	5/11/2024
Sheet 4 of 6 Rev F	Level 3	Paul Scrivener Landscape	5/11/2024
Sheet 5 of 6 Rev F	Level 3 - Childcare	Paul Scrivener Landscape	5/11/2024
Sheet 6 of 6 Rev F	Level 3 - Childcare	Paul Scrivener Landscape	5/11/2024
Report No. 13086- GR-1-1 Rev 0	Geotechnical Investigation Report	Alliance Geotechnical Pty Ltd	10 February 2022
Project No. SES_617 Rev 01	Detailed Phase 2 Contamination Investigation	Sullivan Environmental Sciences Pty Ltd	7 November 2024
Project No. SES_617	Remedial Action Plan (RAP)	Sullivan Environmental Sciences Pty Ltd	7 November 2024
Unnumbered - Issue A	Plan of Management - Hampstead Road Child Care Centre	Unnamed	21/10/2024
Unnumbered - Issue E	Plan of Management - Stages 1 and 2	Unnamed	21/10/2024
Report: 06/04 Rev: Issued	Worksite Traffic Control & Loading Dock Management Plan Final Operation for Stage 2 Part B	Lyle Marshall & Partners Pty Ltd	04/11/2024
Report No: 01/25 Rev:	Parking Strategy	Lyle Marshall &	21/2/2025

Final		Partners Pty Ltd	
Report: 06/23	Green Travel Plan	Lyle Marshall & Partners Pty Ltd	July 2023
TM380-02F01 Acoustic Assessment for DA Stage 2 (r2)	Acoustic Assessment for DA	Renzo Tonin & Associates	19/03/2024
Unnumbered	Arboricultural Impact Assessment and Tree Management Plan	Arboriculture Australia	15 March 2022
SLR Project No.: 610.032305.00001 Rev: V0.1	Air Quality Assessment	SLR Consulting Australia	5 November 2024
23081.2-Access Issue 2	Accessibility Assessment Report	Nest Consulting Group	7 March 2024
Ref: 610.0522-R02	Qualitative Environmental Wind Assessment - Stage 2 DA	SLR Consulting Australia	6 March 2024
Unnumbered	Asbestos Management Plan	Tron Constructions	Undated
Numbered Version 1.1	NABERS Agreement to Rate	Unnamed	February 2024
Project No. P00884 Rev: 02	NCC2022 Section J J1V3 for Part J4 Compliance Design Report	E-LAB Consulting	8 March 2024
Project No. P00884 Rev: 03	Ecologically Sustainable Development Report	E-LAB Consulting	4 November 2024
Unnumbered	Waste Management Plan	Leigh Design Pty Ltd	7 March 2024
Case Ref - A-85216 (CNR-70263)	Attachment 1 - Recommended Development Conditions	Sydney Water	21 March 2025
Case Ref - A-85215 (CNR-70263)	Ausgrid's response under section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.	Ausgrid	NSW Planning Portal date: 1/7/2024

For comprehension of approved levels, reference has been made to survey plan reference No. 10861-19 DET&ID prepared by C & A Surveyors NSW P/L dated 18/03/2019

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

**3. DAGCF01 - Surface Runoff**

Allowances shall be made for surface runoff from adjacent properties and to retain existing surface flow path systems through the site. Existing surface water flows from upstream properties shall not be diverted or treated in a manner that results in adverse effects for any other property.

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

**4. DAGCF02 - Utility Services**

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

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

**5. DAGCZ01 - Fit out of tenancies**

No approval is granted or implied for the tenancies shown on the plans. Separate development consent shall be sought for the fit out of each tenancy prior to use with the exception of the child care centre.

(Reason: Clarify the terms of approval)

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

**6. DAPDB02 - Notice of Demolition**

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

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

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

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

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

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

**7. DAPDB07 - Site Safety Fencing - Demolition Only**

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

(Reason: Public safety)

**8. DAPDB08 - Demolition Inspections**

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

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

(Reason: To ensure compliance with the relevant legislation)

**9. DAPDB09 - Tree Preservation**

All street trees and trees on private property that are protected under Council's Development Control Plan, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on

Development Sites' during demolition except where Council's prior written consent has been obtained or approved as part of this determination.

(Reason: Tree Preservation and Protection)

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

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

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

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

(Reason: Environmental and residential protection)

**11. DAPDB11 - Hazardous Materials Survey Required**

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

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

**12. DAPDB13 - Sediment and Erosion Control Plan - Large sites**

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

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

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

**13. DACCA01 - Amendments to Approved Plans**

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

- a) Amended plans shall be provided indicating a total of 27 car spaces being allocated to the child care centre.

- b) The column located in the middle of the entry/exit of the driveway and located at the front boundary line shall be clear of the pedestrian sight triangle as per Section 3.2.4 of the Australian standard AS2890.1. The sight triangle shall be provided both side of the exit driveway/lane.
- c) Mountable kerb or other similar measures shall be incorporated in the proposed line marking area to direct the traffic at the exit driveway to direct the vehicles within subject to suitably qualified engineer's advice.
- d) Adequate signs shall be provided to separate the childcare parking spaces from the other parking spaces. Annotations shall be made on the plans.

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

**14. DACCA02 - Application for a Construction Certificate**

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

(Reason: Statutory requirement)

**15. DACCA03 - Disabled Access & Facilities**

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

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

**16. DACCA04 - Works within Boundary**

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

(Reason: To ensure protection of adjoining properties)

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

A damage deposit of \$14,340.00 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

**18. DACCB02 -Payment of Bonds, Fees and Long Service Levy**

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

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

**19. DACCB04 - Section 7.12 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.12 of the *Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at \$417,744.00 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)

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

<b>Types of fees</b>	<b>Amount</b>	<b>Payment timing</b>
Demolition Inspections (2 x Inspections)	\$580.00	Prior to Demolition
Damage Deposit	\$14,340.00	Prior to Issue of CC
Sect. 7.12 Contributions	\$417,744.00 + CPI	Prior to Issue of CC
Construction Traffic Management Plan	\$393.00	Prior to Issue of CC
Kerb Crossing Bond (Related to Driveways)	\$6,700.00	Prior to Issue of CC
Driveways Inspections (2 x Inspections)	\$847.00	Prior to Issue of CC
<b>TOTAL</b>	\$440,604.00 + 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)

**21. DACCB06 - Photographic Record of Council Property - Damage Deposit**

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

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

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

(Reason: Maintain public assets)

**22. DACCC01 - Footpath Design Levels**

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

- The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath meets the driveway.
- The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street.
- Any required adjustments shall be included in the plans and submitted for approval under section 138 of the *Roads Act 1993* prior to the release of the Construction Certificate.

(Reason: Public infrastructure)

**23. DACCC02 - Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like under any circumstances unless approved in writing by Council.

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

(Reason: Public safety)

**24. DACCC03 - Submission of Plans for Works within the Road Reserve**

The submission to Council of three copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside 54 to 68 Hampstead Road, Auburn including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid.

Such design shall be:

- a) Prepared and submitted in electronic format, undertaken by a consulting civil engineer,
- b) Approved in writing by Council under section 138 of the *Roads Act 1993*, *prior to the issue of the Construction Certificate*,
- c) All civil engineering works adjacent/near/outside 54 to 68 Hampstead Road, Auburn are to be fully supervised by Council. A maintenance period of six months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- d) Upon completion of the works, the Applicant is to provide to Council two copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, details of all public infrastructure created as part of the works, including certification that the design meets all relevant Australian Standards and Council specifications from an engineer with relevant industry experience.

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

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

**25. DACCE02 - Construction Management Plan**

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

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

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

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

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

The following matters must be addressed in the CTMP:



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

(Reason: Traffic safety and amenity during construction phase)

**27. DACCF02 - Landscape Maintenance Strategy**

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

(Reason: Ensure landscape survival)

**28. DACCF04 - On Slab Landscaping**

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

(Reason: To ensure the site landscaping thrives)

**29. DACCF08 - Tree Planting**

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

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

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

**30. DACCG02 - Bicycle Storage Provision**

Provision for bicycles parking / storage shall be in accordance with the provisions of the Cumberland Development Control Plan. Details shall be submitted with the Construction Certificate application.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Cumberland DCP)

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

A minimum of 251 off-street car parking spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

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

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be setback 1.5 metres

from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of Australian Standard 2890.1:2004. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management)

**33. DACCG11 - Stop Signs**

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

(Reason: Adequate access and egress)

**34. DACCJ01 - Detailed Stormwater Drainage System Design**

Prior to the issue of the Construction Certificate, a detailed stormwater drainage plan for the safe disposal of stormwater from the site shall be prepared in accordance with Council's Development Control Plan and engineering policies. The plan shall be submitted and approved by the Council or registered certifier.

Note: Where the proposed design extends within the public road area, separate approval under s.138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

**35. DACCJ03 - Certification of the Stormwater Drainage System Design**

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

(Reason: Adequate stormwater management)

**36. DACCK01 - Dilapidation Report**

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

Please note:

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

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

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

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

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

**38. DACCL01 - Electricity Substation**

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

(Reason: Access to utility)

**39. DACCL02 - Telecommunications**

If the development likely to disturb or impact upon telecommunications infrastructure, written

confirmation from the service provider that they have agreed to the proposed works must be submitted to Council or registered certifier prior to the issue of a Construction Certificate, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

**40. DACCL03 - Adjustment to Telecommunications**

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

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

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

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by Renzo Tonin & associates with reference TM380-02F01 Acoustic Assessment for DA Stage 2 (r2) dates 19 March 2024.

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

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

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

- 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;
- d) A hot and cold water hose cock shall be provided within the room; and
- e) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

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

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

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

The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 for any commercial units that are intended to accommodate food premises. In the event that a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required to support the placement and condition of operation of any additional filtration systems and odour assessment necessary.

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

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

- a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 44b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$443,875.86
<b>Total housing and productivity contribution</b>	<b>\$443,875.86</b>

- b) The amount payable at the time of payment is the amount shown in condition 44a) as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

**Consent PPI number**

where:

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

and

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

*June quarter 2023* and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024*.

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

- c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required).
- d) The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- e) The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

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

**45. DACCO03- Hydraulic Engineering Design Verification**

Written verification from suitably qualified hydraulic engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the following

- a) Construction certificate plans comply with the Flood Risk Management Report dated 17. 08. 2023 and Flood Modelling (2D) Report dated 22. 02. 2025 prepared by Kozarovski and Partners.
- b) Building Floor levels are 500mm above the 1% AEP flood levels.
- c) The development has no adverse impact on flood levels and/or adjoining properties.

Electronic copy of the modelling shall be submitted.

The above written verification and the copy of the modellings shall be submitted to and approved by Council or registered certifier.

Electronic copy of the flood modelling and written verification shall be submitted to Council for record purpose.

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

**46. DACCO05- Parking layout**

Parking layout shall comply with Australian standard AS2890.1 and AS2890.6.

Childcare (visitor and parent) parking layout shall be designed for User Class 3A of the Australian standard AS2890.1.

In this regard detail plan showing all necessary dimension shall be submitted to and approved by the Council or registered certifier.

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

(Reason: To ensure parking layouts comply with Australian Standard AS28890.1:2004)

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

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

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

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

**48. DACCZ01 - Modification to Council's stormwater pit - design**

The detail design for the relocation/modification of the Council's stormwater pits in Hampstead Road shall be designed in Consultation with Council's Engineering Section. In this regard,

- a) Existing Council's stormwater pit and pipes shall be annotated on the plans.
- b) Longitudinal section of the existing/proposed stormwater pipes/pits within the Council land, showing the exact depth and location of all the services within the area of the proposed works shall be submitted.
- c) Service search details shall be submitted.
- d) Depth of the Council pipe shall be verified and annotated on the plan.

Note: The documents shall be submitted shall be submitted to Council as part of "Application for Assessment and Approval of Street drainage / Public Domain Design Plans". The application is available in following Council link:

<https://www.cumberland.nsw.gov.au/sites/default/files/inline-files/application-for-assessment-and-approval-of-street-drainage-public-domain-design-plans-2023.pdf>

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

**49. DACCZ02 - Stormwater Plans**

Stormwater runoff generated from the development shall be collected and discharged by gravity means to Council's system. In this regard:

- d) Stormwater disposal from the site shall be discharged through the flood storage in accordance with the stormwater plans approved as part of Stage 1 development consent DA2022/0463.
- e) Stormwater plans shall be prepared by suitably qualified professional engineer in accordance with Council's DCP.
- f) Water quality treatment and MUSIC model output shall be incorporated in the stormwater design.
- g) Water quality targets in Table 5, Part G of the Council DCP shall be achieved, except for Nitrogen reduction which should achieve 45% instead of 60%.
- h) Details of the Water Sensitive Urban Design (WSUD) shall be incorporated in the stormwater design.
- i) MUSIC model output report shall be submitted.
- j) Adequate maintenance openings and cross ventilation shall be provided in the flood storage design.

The stormwater plans addressing the above matters Cumberland Council's Executive Manager Development and Building.

(Reason: To ensure stormwater plans are prepared and the outstanding matters area addressed)

**50. DACCZ03 - Special footings**

Special footings shall be provided where the proposed structure is adjacent to drainage easement. Development shall not impose any load on the existing Council stormwater structure. The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser.

The footings shall be located clear of the easement and designed by a practising structural engineer.

The above details are to be submitted to and approved by Council or registered certifier.

(Reason: To ensure stormwater structure and the easement are not affected by the proposed works)

**51. DACCZ04 - Flood Risk Management**

Subject development shall comply with Council's Flood Risk Management Policy (CFRMP). In this regard,

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls for flood risk precinct nominated in the Appendix (page 6) of the CFRMP.
- b) Supporting documents shall be submitted to and approved by Council or registered certifier.

(Reason: to reduce flood risk to the people and properties.)

**52. DACCZ05 - Detail Design over Council's Easement/Culvert**

The vicinity of the easement/culvert shall be submitted to and approved by Cumberland Council's Manager Development and Building.

(Reason: To ensure Council's assets are protected)

**53. DACCZ06 - Minimum Headroom - Adaptable Parking Spaces**

Headroom clearance within accessible parking shall be minimum 2500mm to comply with AS2890.6 requirements. Headroom shall be measured clear of any beams and service ducts.

Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: To ensure headroom complies with AS2890)

**54. DACCZ07 - Ramp gradients**

Driveway and circulation ramp grades and transitions shall comply with section 2.5.3 of the Australian Standards AS2890.1:2004. In this regard detail longitudinal section along ramp to a scale, shall be submitted to and approved by the Council or registered certifier.

Driveway and circulation access ramps for the Loading area shall comply with Australian Standard AS2890.2 requirements.

Certification from suitably qualified engineer shall be obtained for the compliance of the above requirements.

Copy of the approved plan and certification shall be submitted to Council.

(Reason: to ensure the access ramp comply with Australian Standard AS2890.1:2004)

**55. DACCZ08 - Street signs design approval**

Detailed plan showing the proposed street sign/device modifications along Hampstead Road shall be prepared in consultation with Council's Traffic Section. The modification shall be submitted to Cumberland Traffic Committee (CTC) for consideration/approval. The CTC approval shall be submitted to Council or registered certifier for approval.

(Reason: to ensure approval is obtained for the proposed sign modifications)

**56. DACCZ09 - Headroom clearance**

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

The headroom clearance within the loading area and access shall comply with Australian standard AS2890.2.

(Reason: To ensure the headroom comply with Australian Standard AS28890.1:2004 and AS2890.2)

**57. DACCZ10 - Public Drainage Infrastructure - Post Construction Dilapidation Report (CCTV)**

A CCTV verification shall be submitted to Council upon completion of the construction works to ensure that Council's assets are not affected by the development. The CCTV footage shall extend 10m upstream and downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A CCTV pre-construction and post-construction inspection report illustrating the chainage/distance from the origin and the observed asset condition at critical locations must be prepared and submitted to the Council alongside the CCTV footage. Any observed or likely damages shall be rectified at full cost to the applicant to the satisfaction of Cumberland Council's Executive Manager Development and Building, prior to the issue of any occupation certificate.

(Reason: Protection of Council assets)

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

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

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

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

(Reason: Statutory requirements)

**59. DAPCA03 - Site Safety Fencing**

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

(Reason: Statutory requirement and health and safety)

**60. DAPCA04 - Principal Certifier Sign**

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

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

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

(Reason: Statutory requirement)

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

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

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

(Reason: Statutory requirement)

**62. DAPCA06 - Toilet Amenities for People Working at the Site**

Suitable toilet amenities are to be provided at the work site at all times. If a temporary toilet is proposed, it must:-

- a) have a hinged door capable of being fastened from both inside and outside;
- b) be constructed of weatherproof material;
- c) have a rigid and impervious floor; and
- d) have a receptacle for, and supply of, deodorising fluid.

(Reason: To ensure suitable toilet amenities are provided for workers)

**63. DAPCA09 - Vehicular Crossings, Redundant Vehicular Crossings and other Works**

Before any new vehicular crossing, public footpath, kerb or guttering work is commenced, the applicant must lodge and have approved by the Council an 'Application for Private Construction of Vehicular Crossing and Road Works'. In respect of driveway setbacks, a minimum 1.0m setback from the property boundary shall be provided.

(Reason: To ensure appropriate vehicular access, suitable street drainage and pedestrian amenity is achieved)

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

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

(Reason: Protection of Council assets)

**65. DAPCD02 - 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)

**66. DAPCZ01 - Building design to provide adequate clearance to existing Council's stormwater pipe**

A clearance letter from Cumberland Council's Manager Engineering and Building, with respect to the required set back to the existing Council's stormwater pipe shall be obtained. In this regard,

- a) Existing Council's stormwater pipe next to the proposed development shall be exposed. Arrangement shall be made with Cumberland Council's Manager Engineering and Building



- for inspection prior to covering the pipe.
- b) Accurate pipe/culvert location and proposed building set back from the existing Council's stormwater pipe shall be marked on the plan.
- c) Proposed building shall be clear of the easement and minimum 300mm from the outer edge of the existing Council's stormwater pipe/ culvert.

Note: If minimum 300 mm set back is not available for the approved building, then proposed building shall be relocated to provide minimum 300mm from the existing Council's stormwater pipe.

(Reason: To ensure building is clear of the easement and minimum 300mm clearance to exiting Council's stormwater pipe is provided)

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

#### **67. DADWA01 - Construction Hours**

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

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

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

(Reason: To minimise impacts on neighbouring properties)

#### **68. DADWA02 - Dust Control**

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

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

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

#### **69. DADWA03 - Site Management**

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

(Reason: Health and amenity)

#### **70. DADWA05 - Construction Management Plan**

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

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

Council on request.

(Reason: Compliance with condition of consent)

**71. DADWA06 - Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

**72. DADWA07 - General Site Requirements during Demolition and Construction**

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

- a) Two entries is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath for the full width of the entrance area.
- b) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- c) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- d) Any demolition and excess construction materials are to be recycled wherever practicable.
- e) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- f) 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*.
- g) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
- h) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
- i) 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.
- j) 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.
- k) 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.
- l) 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)

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

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

**74. DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

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

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

(Reason: To protect residential amenity)

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

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

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

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

**77. DADWA14 - Classification of Waste**

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

(Reason: Environmental protection)

**78. DADWA15- Importation of Fill**

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

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

- a) Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material was sourced; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA's *Sampling design guidelines* (2022).

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

**79. DADWA17 - Notification of New Contamination Evidence**

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

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

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

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

**80. DADWA18 - Decommissioning/ Removal of Underground Storage Tanks**

Decommissioning and removal of any underground storage tank/s are to be supervised by a 'duly qualified person' as defined by the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. If a storage system is decommissioned/removed, the person responsible must ensure that a report for the storage site, prepared in accordance with clause 23 of the Regulation, is submitted to Council within 60 days of the completion of decommissioning or the completion of remediation. Documentation relating to the decommissioning must be kept for 7 years.

(Reason: To ensure compliance with statutory requirements)

**81. DADWA19 - Excavation Pump-out**

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

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

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

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

(Reason: Environmental amenity)

**82. DADWA20 - Road and Footpath Opening Permit**

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

**83. DADWB02 - Tree Protection**

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

(Reason: Tree preservation)

**84. DADWB08 - Removal of Trees**

The following trees are approved for removal:

Species	Location
<i>Melia azedarach</i> x 1	Front of site
<i>Eucalyptus botryoides</i> x1	Front of site
<i>Melaleuca quinquernervia</i> x2	Front of site

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

**85. DADWC01 - Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

(Reason: Protection of infrastructure, safety & information)

**86. DADWC02 - Compliance with the National Construction Code**

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

Code.

(Reason: Prescribed statutory control)

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

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

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

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

(Reason: To ensure compliance with approved plans)

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

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

Reason: To minimise the opportunity for graffiti)

**89. DADWC10 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

**90. DADWC13 - Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)

**91. DADWC14 - Liquid Trade Waste**

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

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

**92. DADWC16 - Waste Management**

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

(Reason: Compliance with approval)

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

The site is to be remediated and validated in accordance with the recommendations set out within

the Remedial Action Plan, prepared by Sullivan Environmental Sciences with reference SES\_617 dated 7 November 2024. 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)

**94. DADWC19 - Sediment and Erosion Control measures**

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

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

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

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

**95. DADWC20 - Dewatering**

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

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

**96. DADWD01 - Notice of Demolition**

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

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

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

**97. DADWD02 - Demolition - Asbestos**

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

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

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

- Work Health and Safety Act 2011 & Work Health and Safety Regulation 2017;
- 'Code of Practice on how to safely remove asbestos' published by Safe Work Australia (dated July 2020); and
- 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)

**98. DADWD03 - Critical Stage Inspections - General**

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

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

(Reason: Statutory requirement)

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

The following critical stage inspections must be carried out:

- after the commencement of the excavation for, and before the placement of, the first footing;
- 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)

**100. DADWZ01 - Drainage construction - modification to Council's drainage system**

Modification to Council's pipe drainage system shall be completed to Council's satisfaction at no cost to Council. In this regard,

- a) A separate construction approval shall be obtained from Council's Engineering Section.
- b) Council's inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
  - i) After the excavation of culvert/pipeline trenches.
  - ii) After the laying of all culvert/pipes prior to backfilling.
  - iii) After the formwork for pits prior to pouring concrete.
  - iv) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

(Reason: To ensure Council's assets are constructed to Council's requirements.)

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

**101. DAOCA01 - Occupation Certificate**

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

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

(Reason: Statutory requirement)

**102. DAOCA03 - S73 Compliance Certificate**

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

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

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



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

(Reason: Structural certification)

**104. DAOCA07 - Notification of Food Business**

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

(Reason: Registration and notification to relevant authorities)

**105. DAOCA12 - Construction of Concrete Footpath**

A concrete footpath shall be reconstructed to the full length adjacent to the front of the property (54 to 68 Hampstead Road, Auburn) as per Council's requirements at no cost to Council. The footpath shall be reconstructed for the stage 2 frontage. Footpath surface treatment and paving details shall comply with relevant Council's standards. Details shall be obtained from Council Engineering Section.

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

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

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

**106. DAOCB04 - Acoustic Verification Report**

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

- a) All recommendations contained in the DA acoustic report prepared by Renzo Tonin & associates with reference TM380-02F01 Acoustic Assessment for DA Stage 2 (r2) dates 19 March 2024 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)

**107. DAOCB05 - 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 Sciences with reference SES\_617 and dated 7 November 2024, 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)

**108. DAOCD01 - Fire Safety Certificate**

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

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

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

(Reason: Fire safety)

**109. DAOCE02 - Evacuation Plan - Child Care Centres**

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

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

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

(Reason: Safety)

**110. DAOCF01 - Landscape Works**

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

(Reason: Landscape certification)

**111. DAOCG02 - Noise Limiter**

Prior to commencement of use:

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

(Reason: To protect residential amenity)

**112. DAOCH09 - Completion of Public Road Assets**

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

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

**113. DAOCI01 - Street Sign installation works**

The relocation of street signs shall be completed as approved by Cumberland Traffic Committee at no cost to Council.

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

**114. DAOCZ01 – Hydraulic/Civil engineer’s flood certification**

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

- a) Development complies with the Flood Risk Management Report dated 17. 08. 2023 and Flood Modelling (2D) Report dated 22. 02. 2025 prepared by Kozarovski and Partners.
- b) Building Floor levels are 500mm above the 1% AEP flood levels.
- c) Flood storage has been provided as per the Flood Risk Management Report dated 17. 08. 2023 prepared by Kozarovski and Partners.
- d) The development has no adverse impact on flood levels and/or adjoining properties.

The written verification shall be submitted to and approved by Council or registered certifier.

The copy of the written verification shall be submitted to Council for record purpose.

(Reason: To ensure construction comply with the comply with the approved flood risk management report)

**115. DAOCZ02 - Connection to Council’s stormwater pipe**

Registered Certifier shall ensure a clearance letter from Cumberland Council’s Manager Engineering and Building has been obtained for the stormwater connection and modification works to Council’s drainage system.

(Reason: Reason: to ensure that modification and connection to Council’s stormwater pipe system is carried out in accordance with Council’s requirements)

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

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

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

(Reason: Protection of Council’s infrastructure.)

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

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

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

(Reason: Safety and amenity)

**118. DAOUA07 - Deliveries**

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 7am or after 10pm on weekdays and Saturdays only (excluding public holidays).

(Reason: To control noise impacts)

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

Prior to occupation of the premises, the operator shall enter into a commercial contract for the

collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council on request.

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

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

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

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

**121. DAOUA11 - Flashing Lights**

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

(Reason: Environmental protection)

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

The hours of operation are restricted to between:

Food and Drink Premises

- 6:00am - 1:00am on Mondays to Sunday and Public Holidays

Specialised Retail

- 9:00am - 7pm on Mondays, Tuesdays, Wednesdays and Friday
- 7:00am - 10pm on Thursdays and Public Holidays
- 9:00am to 8:00pm Saturday and Sunday and Public Holidays

Office

- 7:00am - 6pm weekdays only excluding public holidays

Childcare centre

- 7:00am - 6pm weekdays only excluding public holidays

Neighbourhood shop

- 6:00am - 1:00am on Mondays to Sunday and Public Holidays

(Reason: To minimise amenity impacts for nearby land)

**123. DAOUA20 - Loading**

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

(Reason: Adequate servicing)

**124. DAOUA26 - Plan of Management**

The use shall be operated and managed in accordance with the Plan of Management, Childcare Plan of Management and Worksite Traffic Control & Loading Dock Management Plan Final Operation for Stage 2 Part B. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management and Childcare Plan of Management and Loading Dock Management Plan. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

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

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

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

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

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

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

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

(Reason: Fire safety)

**127. DAOUC03 - Microbial Control**

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

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

(Reason: Health and safety)

**128. DAOUC04 - Air Emissions**

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

(Reason: To protect human health and the environment)

**129. DAOUC08 - Spill Kit Required**

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spills. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

(Reason: To protect the environment)

**130. DAOUC14 - General Noise Emission Criteria**

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

(Reason: To protect residential amenity)

**131. DAOUC19- Waste Management Plan**

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan prepared by Leigh Design Pty Ltd, dated 7 March 2024. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

**132. DAOUC24 - Charcoal and Solid Fuel Cooking Prohibited**

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

(Reason: To manage odours and safety)

**133. DAOUC28 - Liquid Trade Waste**

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

(Reason: To ensure compliance with health standards)

**134. DAOUD02- Landscape Maintenance - General**

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

(Reason: Safety and landscape amenity)

**135. DAOUE03 - Parking**

At least 251 car parking spaces numbered and line marked in accordance with the approved plans are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

**136. DAOUE04 - Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**137. DAOUF02 - Control of Noise**

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

(Reason: Public interest)

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

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

(Reason: Clarify approved use)

**139. DAOUG04 - 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)

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

The largest vehicle delivering to the premises shall be limited to a heavy 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 on site access and local traffic movement)

**141. DAOUH05 - Service Vehicle Area**

All loading/unloading activities are to be undertaken in accordance with measures included within the approved 'Worksite Traffic Control & Loading Dock Management Plan Final Operation for Stage 2 Part B'. Manoeuvring areas must be kept clear of obstructions at all times. No change is permitted to the 'Worksite Traffic Control & Loading Dock Management Plan Final Operation for Stage 2 Part B' 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 on site access and local traffic movement)

**142. DAOUH08 - Flood Evacuation Plan**

Flood evacuation plan shall be prepared by suitably qualified person.

The documents showing the compliance of above shall be submitted to and approved by Council or registered certifier.

Flood evacuation plan shall be in force at all times. 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)

## Advisory Notes

### 143. **DAANN01 - Dial Before You Dig**

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

(Reason: Advisory)

### 144. **DAANN02 - Telecommunications Act 1997 (Commonwealth)**

Telstra and its authorised contractors are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works, which may affect or impact on Telstra's assets in any way, you should contact Telstra's Network Integrity Team.

(Reason: Advisory)

### 145. **DAANN08 - Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification unless and until a modified consent is issued.

(Reason: Advisory)

### 146. **DAANN09 - Review of Determination**

In accordance with the provisions of section 8.2 of the *Environmental Planning and Assessment Act 1979*, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

(Reason: Advisory)

### 147. **DAANN10 - Right of Appeal**

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal.

(Reason: Advisory)

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

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

(Reason: Advisory)

**149. DAANN16 - Compliance with Disability Discrimination Act**

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

(Reason: Advisory)