

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2024/0330
Applicant:	Cumberland City Council 16 Memorial Avenue MERRYLANDS NSW 2160
Property Description:	1 Tamplin Road GUILDFORD NSW 2161, Lot 21 DP 1018330
Development:	Guildford Pool Modernisation Project - Construction of recreation facility including change rooms, multi-purpose space, indoor 25m program and lane pool, outdoor 25m lane pool, external storage building, provision of signage and removal of trees
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**

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

(Reason: Advisory)

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

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

<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
MMX-AR-0001 Rev I	Legends/Notes	Mode Design	03/07/2024
MMX-AR-0005 Rev I	Site Plan	Mode Design	03/07/2024
MMX-AR-1000 Rev L	GA Plan -Ground Level	Mode Design	03/07/2024
MMX-AR-1001 Rev J	GA-Roof Plan	Mode Design	03/07/2024
MMX-AR-1002 Rev J	Ground Level Callout	Mode Design	03/07/2024
MMX-AR-1005 Rev G	GA Plan-Wall classification and acoustic gradings	Mode Design	03/07/2024
MMX-AR-2000 Rev J	Elevations North & South	Mode Design	03/07/2024
MMX-AR-2001 Rev J	Elevations East & West	Mode Design	03/07/2024
MMX-AR-2100 Rev H	Sections AA & BB	Mode Design	03/07/2024
MMX-AR-2101 Rev H	Sections CC & DD	Mode Design	03/07/2024
MMX-AR-3000 Rev I	Materials and Finishes	Mode Design	03/07/2024
GD-7001 Rev B	External Identification Signage overview	Mode Design	26/06/2024
LD-1001 Rev 6	Landscape Plan	Mode Design	11/09/2024
LD-1300 Rev 4	Planting Schedules	Mode Design	11/09/2024
LD-1301 Rev 5	Planting Plan	Mode Design	11/09/2024
LD-5001 Rev 3	Softworks Details 1	Mode Design	11/09/2024

LD-5002 Rev 3	Softworks details 2	Mode Design	11/09/2024
C310 Rev D	Stormwater Drainage Plan (and as amended in red)	Building Environment Collective Pty Ltd	06/11/2024
SKF01 Rev A	Aquatic Services Plan Plantroom Layout	Building Environment Collective Pty Ltd	26/06/2024
Ref: 240702_GSC_AIA Rev 5	Arboricultural Impact Assessment Report	Urban Arbor	02 July 2024
Report No 6613-4.2R	Construction Noise and Vibration Management Plan	Day Design Pty Ltd	27 June 2024
Project No. 230504 Rev 2	Construction Waste Management Plan	Barker Ryan Stewart	01/07/2024
Project no: 24006 Final.V2	Due Diligence Archaeological Assessment and Statement of Heritage Impact	Navin Officer Heritage Consultants	27/06/2024
-	Embodied Emissions Materials Form	Building Services Engineers	Received by Council on 9 July 2024
Report No 6613-4.3R	Environmental Noise Assessment	Day Design Pty Ltd	27 June 2024
Project: 86664.02 - R.001.Rev 3	Review of Geotechnical and Contamination Reports	Douglas Partners	02 July 2024
Project Number: 20231209 - Document Issue 1	NCC Section J Assessment Report	Building Services Engineers	26 June 2024
Revision Number 1.0	Operational Management Plan	Cumberland City Council	July 2024
PS211899-20240628-CH-Waste Rev C	Waste Management Plan	WSP	28/06/2024
Project 86664.02 - Revision 1	Remediation Action Plan	Douglas Partners	2 July 2024
Ref No: 8767	DA Structural Letter	Built Environment Collective Pty Ltd	27 June 2024
CNR-71354 (Case Reference A-86569)	-	Endeavour Energy	23/07/2024
CNR-71354 Attachment 1 and Attachment 2	Attachment 1 - Recommended Development Conditions and Attachment 2 - Sydney Water Requirements for Commercial and Industrial Developments (for proponent's information)	Sydney Water	20 August 2024

For comprehension of approved levels, reference has been made to survey plan reference No. 50409001DT Sheets 1, 2, 3, 4, 5 of 5 prepared by LTS Lockley Registered Surveyors dated 02/11/2018 Rev A.

(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)

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

5. 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) The provision of bicycle parking racks shall be indicated on the plans, preferable close to the front entry of the swimming pool.

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

6. 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)

7. 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 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)

8. 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)

9. 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:

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

(Reason: Public infrastructure)

10. 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)

11. 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 1 Tamplin Road Guildford 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 1 Tamplin Road Guildford 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)

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

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

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

(Reason: Protection of Public Assets and information)

13. 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)

14. 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)

15. 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)

16. 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)

17. DACCF09 - Sight Distance

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

(Reason: Safety)

18. 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 the approved stormwater plan.

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)

19. 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 the approved stormwater plan and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

20. 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 Day Design Pty Ltd, ref: 6613-4.3R, dated 27 June 2024.

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

21. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

22. DACCO13- Water Sensitive Urban Design

Water sensitive urban design measures shall be incorporated as a part of site stormwater management to prevent pollutants from entering waterways. Details of the measures are to be submitted to the Council or registered certifier for approval with the construction certificate application and shall include:

- a) MUSIC modelling, submitted in electronic format, inclusive of input parameters and output results. Removal efficiency parameters must be consistent with the manufacturer's pollutant removal efficiency.
- b) All surface runoff from impervious areas including the roof, , driveway and roads being directed to water quality treatment systems.

(Reason: To ensure improve waterway health and to develop and maintain ecologically sustainable waterways)

23. DACCZ01 - Special footings

Special footings shall be provided where the proposed/existing structure is adjacent to Council's drainage easement and/or pipe. 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/or pipe and designed by a practising structural engineer. Details are to be submitted to and approved by Principal Certifying Authority.

(Reason- to ensure stormwater pipe and /or easement is not affected by the proposed works.)

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

24. 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)

25. 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)

26. 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)

27. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

28. 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)

29. DAPCA08 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design with the Construction Certificate application by lodging an 'Application for Property Boundary Line Levels'. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the 'Application for Property Boundary Line Levels' fees are payable in accordance with Council's adopted fees and charges.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

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

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

(Reason: Public infrastructure)

30. 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)

31. DAPCB03 - Protection of Landscape Features

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

The fencing must extend as per the measurements in the **table numbered 11.5 of the Arboricultural Impact Assessment by Urban Arbor** beyond the trees' trunk, be at least 1.8m high, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected.

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

(Reason: Protection of trees to be retained)

32. 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 within the site 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 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.

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 existing Council's stormwater pipe is provided)

Conditions which must be satisfied during any development work

33. 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)

34. 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)

35. 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)

36. 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)

37. DADWA07 - General Site Requirements during Demolition and Construction

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

site works:

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

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

38. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

39. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

40. DADWA12 - Compliance with the Noise Management Plan

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

(Reason: To protect residential amenity)

41. 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)

42. 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)

43. 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)

44. DADWA20 - Road and Footpath Opening Permit

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

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

(Reason: Maintain public asset)

45. DADWB01 - Arborist Inspections

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

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

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

46. 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)

47. DADWB08 - Removal of Trees

The following trees are approved for removal:

Species	Location
<i>Callistemon viminalis</i> x 2 (T2&T3)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Melaleuca quinquinervia</i> x1 (T5)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Corymbia citriodora</i> x1 (T6)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Fraxinus</i> spp. X2 (T6a & 6b)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Eucalyptus nicholii</i> x1 (T7)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Eucalyptus microcorys</i> x2 (T8 & T50)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Eucalyptus saligna</i> x1 (T9)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Casurina glauca</i> x2 (T11 & T13)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Lophostemon confertus</i> x2 (T12 & T15)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Corymbia maculata</i> x3 (T16,16a&17)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Tristaniopsis laurina</i> x3 (T51,52&53)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Washingtonia robusta</i> x 5 (T54,56,59,61,64)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Melaleuca linarifolia</i> x6 (T55,60,64a,65,66,67)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Cupressus arizonica</i> x5 (T57,58,62,62a,63)	Within subject site (Refer to Arboricultural Impact Assessment)
<i>Photina glabra</i> x1 (T72)	Within subject site (Refer to Arboricultural Impact Assessment)

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

48. 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)to the

49. 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)

50. DADWC04 - Survey Report - Development of Two storeys or Less

In order to ensure compliance with approved plans, a survey certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- a) The level of the upper floor and its relationship to boundaries prior to the placement of structural elements.
- b) The relationship of the building to the boundaries at completion.

Progress certificates in response to the above 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 closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

51. DADWC07 - Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

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

52. 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)

53. 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)

54. DADWC15 - Mechanical Ventilation

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

(Reason: To ensure compliance with ventilation standards)

55. 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)

56. 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)

57. 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)

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

The following critical stage inspections must be carried out:

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

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

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

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

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

(Reason: Statutory requirement)

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

59. 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)

60. 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)

61. 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)

62. DAOCA08 - Certification of Engineering Works

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

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

(Reason: Asset management)

63. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any Occupation Certificate:

- a) reconstruct sections of cracked or defective footpath along the full frontage of the site;
- b) construct a new vehicular crossing;
- c) remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

64. DAOCB01 - Mechanical Ventilation - Compliance

Prior to issue of an Occupation Certificate, certification must be provided that the mechanical ventilation system has been designed, installed and is operating in accordance with the *National Construction Code 2019*.

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

65. 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 Day Design Pty Ltd, ref: 6613-4.3R, dated 27 June 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)

66. 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)

67. 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)

68. DAOCZ01 - Maintenance schedule - OSD

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

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

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

69. 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)

70. DAOUA14 - Hours of Business Operation

The hours of operation are restricted to between:

- Monday to Friday: 6am to 8pm
- Saturday: 6am to 5.30pm
- Sunday and public holidays: 7.30am to 5.30pm

(Reason: To minimise amenity impacts for nearby land)

71. 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)

72. DAOUA21 - Offices - Ancillary Use

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

(Reason: To ensure compliance with approved use)

73. DAOUA25 - Signage - Illumination

Signage must not be illuminated between the hours of 11.00pm and 7.00am daily. Signage must not flash or have any moving components.

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

74. DAOUA26 - Plan of Management

The use shall be operated and managed in accordance with the Plan of Management, prepared by Cumberland City Council dated July 2024. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

75. 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)

76. 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 NPfl.

An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time.
Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfl.

(Reason: To protect residential amenity)

77. DAOUC21 - No food preparation - Pre-Packaged Food Only

This consent does not permit preparation and processing of food at the premises, and relates only to the sale of food sold and served in the supplier's original package.

(Reason: To protect food safety)

78. 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)

79. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

80. 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)

Advisory Notes

81. 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)

82. 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)

83. DAANN03 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under that Act, all relevant parties must agree prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence, the Community Justice Centre can provide mediation services.

(Reason: Advisory)

84. 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)

85. 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)

86. 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)

87. DAANN13 - Work Health and Safety

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

(Reason: Advisory)

88. 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)

89. DAANN22 - Obtaining a Construction Certificate for Building Work

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

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

(Reason: Information)