

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2024/0331
Applicant:	Merrylands 88 Development Pty Ltd 8 Gould Street STRATHFIELD SOUTH NSW 2136
Property Description:	1/4-4A Terminal Place MERRYLANDS NSW 2160, part 5 Mcleod Road MERRYLANDS NSW 2160, part 7 Mcleod Road Merrylands. Lot 1 DP 1173048, Lot 11 DP 1305248, Lot 10 DP 1305248.
Development:	Alterations and additions to the approved development (DA2022/0776) seeking to facilitate affordable housing and Built-to-rent housing (BTR) to part of the development pursuant to the State Environmental Planning Policy (Housing) 2021.
Determined by:	Sydney Central City Planning Panel.

CONDITIONS OF CONSENT

General Conditions.

- 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)
- 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.

Reference/Dwg No	Title/Description	Prepared By	Date/s
DA-B-00-0000 Rev F	Cover Sheet and Drawing List	PTW	24/02/2025
DA-B-00-0002 Rev F	Development Data Sheet 1/2	PTW	24/02/2025
DA-B-00-0003 Rev D	Development Data Sheet 2/2	PTW	24/02/2025
DA-B-10-0070 Rev D	Basement LB3 Plan	PTW	02/10/2024
DA-B-10-0080 Rev D	Basement LB2 Plan	PTW	02/10/2024
DA-B-10-0090 Rev D	Basement LB1 Plan	PTW	02/10/2024
DA-B-10-1000 Rev G	Ground Floor Plan	PTW	24/02/2025
DA-B-10-1100 Rev E	Level 01 Plan	PTW	02/10/2024
DA-B-10-1200 Rev D	Level 02 Plan	PTW	02/10/2024
DA-B-10-1300 Rev F	Level 03-08 Plan (Level 05 shown)	PTW	24/02/2025
DA-B-10-1400 Rev E	Level 09-13 Plan (Level 10 shown)	PTW	02/10/2024
DA-B-10-1500 Rev F	Level 14 Plan	PTW	24/02/2025
DA-B-10-1600 Rev F	Level 15 Plan	PTW	24/02/2025
DA-B-10-1700 Rev D	Level 16 Plan	PTW	02/10/2024
DA-B-10-1800 Rev E	Level 17-21 Plan (Level 18 shown)	PTW	02/10/2024
DA-B-10-1900 Rev E	Level 22 Plan	PTW	02/10/2024

DA-B-10-1901 Rev D	Roof Plan	PTW	02/10/2024
DA-B-20-0100 Rev C	Building B - North-West & North-East	PTW	24/04/2024
DA-B-20-0200 Rev D	Building B - South-East & South-West	PTW	24/02/2025
DA-B-20-300 Rev E	Building C - North-West & North-East	PTW	24/02/2025
DA-B-20-0400 Rev E	Building C - South-East & South-West	PTW	24/02/2025
DA-B-20-0500 Rev D	Building D - North-West	PTW	02/10/2024
DA-B-20-0600 Rev E	Building D - North-East	PTW	24/02/2025
DA-B-20-0700 Rev D	Building D South-East	PTW	02/10/2024
DA-B-20-0800 Rev D	Building D - South-West	PTW	02/10/2024
DA-B-30-0100 Rev D	Section N-S	PTW	02/10/2024
DA-B-30-0200 Rev D	Section E-W	PTW	02/10/2024
DA-B-30-0300 Rev D	Section E-W2	PTW	02/10/2024
DA-B-30-0400 Rev D	Section E-W3	PTW	02/10/2024
DA-B-50-0200 Rev C	Adaptable Apartments 1	PTW	02/10/2024
DA-B-50-0210 Rev C	Adaptable Apartments 2	PTW	02/10/2024
DA-B-50-0211 Rev C	Adaptable Apartments 3	PTW	02/10/2024
DA-B-50-0212 Rev D	Adaptable Apartments 4	PTW	02/10/2024
DA-B-50-0213 Rev C	Adaptable Apartments 5	PTW	02/10/2024
DA-B-50-0214 Rev C	Adaptable Apartments 6	PTW	02/10/2024
DA-B-50-0215 Rev C	Adaptable Apartments 7	PTW	02/10/2024
DA-B-50-0216 Rev C	Adaptable Apartments 8	PTW	02/10/2024
DA-B-50-0217 Rev A	Adaptable Apartments 9	PTW	02/10/2024
DA-B-50-300 Rev B	Typical Fence Detail	PTW	24/04/2024
DA-B-70-0100 Rev C	External Material and Finishes	PTW	24/04/2024
DA-B-70-0200 Rev B	External Material and Finishes - BLDG B - Sheet 1	PTW	24/04/2024
DA-B-70-0201 Rev B	External Material and Finishes - BLDG B - Sheet 2	PTW	24/04/2024
DA-B-70-0202 Rev B	External Material and Finishes - BLDG B - Sheet 3	PTW	24/04/2024
DA-B-70-0300 Rev C	External Material and Finishes - BLDG C - Sheet 1	PTW	02/10/2024
DA-B-70-0301 Rev C	External Material and Finishes - BLDG C - Sheet 2	PTW	02/10/2024
DA-B-70-0302 Rev C	External Material and Finishes - BLDG C -	PTW	02/10/2024

	Sheet 3		
DA-B-70-0400 Rev B	External Material and Finishes - BLDG D - Sheet 1	PTW	24/04/2024
DA-B-70-0401 Rev B	External Material and Finishes - BLDG D - Sheet 2	PTW	24/04/2024
DA-B-70-0402 Rev B	External Material and Finishes - BLDG D - Sheet 3	PTW	24/04/2024
DA-B-70-0403 Rev B	External Material and Finishes - BLDG D - Sheet 4	PTW	24/04/2024
DA-B-70-0404 Rev B	External Material and Finishes - BLDG D - Sheet 5	PTW	24/04/2024
DA-B-70-0405 Rev B	External Material and Finishes - BLDG D - Sheet 6	PTW	24/04/2024
DA-B-70-0406 Rev B	External Material and Finishes - BLDG D - Sheet 7	PTW	24/04/2024
Drawing No 2022035 S2LD-DA-000 Rev 3	Cover Sheet & Design Statement	Landform Studios	30/04/2024
Drawing No 2022035 LD-DA-001 Rev 3	Planting Schedule & Legends	Landform Studios	30/04/2024
Drawing No 2022035 S2LD-DA-101 Rev 3	Site 2 Landscape Plan	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-110 Rev 3	Building C - Level 16 COS	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-120 Rev 3	Building D2 - Level 14 COS	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-130 Rev 3	Building D1 - Level 16 COS	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-140 Rev 3	Building B - Level 22 COS	Landform Studios	30/04/2024
Drawing No 2022035 S2LD-DA-400 Rev 3	Site Sections 1	Landform Studios	30/04/2024
Drawing No 2022035 LD-DA-401 Rev 3	Site Sections 2	Landform Studios	30/04/2024
Drawing No 2022035 LD-DA-900 Rev 3	Typical Details & Outline Specification	Landform Studios	30/04/2024
Certificate Number 1346701M_04	BASIX Certificate	SLR Consulting Pty Ltd	20/11/2024
NatHERS Certificate No. 0008304710	NatHERS Certificate	SLR Consulting	25 Nov 2024
NatHERS Certificate No. 0009574220	NatHERS Certificate	SLR Consulting	20 Nov 2024
Reference Number: 526/AMS01/01GS Issue F	Access & Adaptability Assessment Report	Access Mobility Solutions	11 November 2024
Ref: 610.30747 Rev: R07-v0.1	Reflectivity Assessment	SLR	10 May 2024
Report No. NE1455	Geotechnical Site Investigation Report	GEOTESTA Pty Ltd	05/06/2024
	Arboricultural Impact Assessment	Bluegum	May 2024
SYD2022-1083-	Acoustic DA	Acouras Consultancy	26/04/2024

R002E	Assessment		
116408-BCA Site 2-Addendum-r01	BCA Addendum report	Jensen Hughes	31 May 2024
Rev 1	Preliminary Environmental Site Investigation	Environmental Consulting Services	27/10/2022
Rev 2	Detailed Environmental Site Investigation	Environmental Consulting Services	23/01/2023
Report Number: 22066 - RP01 Rev 3	Structural Report for Sydney Trains	JSBC Consulting	25/10/2024
Report No. 4174 Revision J	Operational Waste Management Plan	Elephants Foot	27/05/2024
SLR Ref: 610.31049.00000-R01 Rev v2.0	Qualitative Environmental Wind Assessment	SLR	May 2024

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

3. **DAGCZ01 - Modification of Development Consent 2022/0776**

Development consent 2024/0331 relating to 1/4-4A Terminal Place, part 5 and part 7 McLeod Road Merrylands amends and changes various aspects of development consent DA2022/0776.

Pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, development consent 2022/0776 relating to 1/4-4A Terminal Place, part 5 and part 7 McLeod Road Merrylands must be modified in the following manner:

The approved documentation specified in Condition 2 of Modification Consent 2024/0331 is amended to read as follows:

Reference / Dwg No	Title/Description	Prepared By	Date/s
DA-B-00-0000 Issue D	Cover Sheet and Drawing List	PTW	4/10/2023
DA-B-00-0002 Issue C	Development Data Sheet	PTW	4/10/2023
DA-B-10-0070 Issue B	Basement 06 Plan	PTW	28/7/2023
DA-B-10-0071 Issue B	Basement 03-05 Plan (Including the notation shown in red)	PTW	28/7/2023
DA-B-10-0080 Issue B	Basement 02 Plan	PTW	28/7/2023
DA-B-10-0090 Issue B	Basement 01 Plan	PTW	28/7/2023
DA-B-10-1000 Issue D	Ground Floor Plan (Including the notation shown in red)	PTW	11/10/2023
DA-B-10-1100 Issue B	Level 01	PTW	28/7/2023
DA-B-10-1200 Issue B	Level 02-03 Plan	PTW	28/7/2023
DA-B-10-1300 Issue B	Level 04-07 Plan	PTW	28/7/2023
DA-B-10-1400 Issue B	Level 08-10 Plan	PTW	28/7/2023
DA-B-10-1500 Issue B	Level 11 Plan	PTW	28/7/2023
DA-B-10-1600 Issue B	Level 12 Plan	PTW	28/7/2023
DA-B-10-1700 Issue B	Level 13-15 Plan	PTW	28/7/2023
DA-B-10-1800 Issue B	Level 16 Plan	PTW	28/7/2023
DA-B-10-1901 Issue B	Roof Plan	PTW	28/7/2023
DA-B-10-1100 Issue B	Level 01	PTW	28/7/2023
DA-B-10-1200 Issue B	Level 02-03 Plan	PTW	28/7/2023
DA-B-10-1300 Issue B	Level 04-07 Plan	PTW	28/7/2023
DA-B-10-1400 Issue B	Level 08-10 Plan	PTW	28/7/2023
DA-B-10-1500 Issue B	Level 11 Plan	PTW	28/7/2023
DA-B-10-1600 Issue B	Level 12 Plan	PTW	28/7/2023

DA-B-10-1700 Issue B	Level 13-15 Plan	PTW	28/7/2023
DA-B-10-1800 Issue B	Level 16 Plan	PTW	28/7/2023
DA-B-10-1901 Issue B	Roof Plan	PTW	28/7/2023
DA-B-20-0100 Issue B	Building B - North West and North East	PTW	28/7/2023
DA-B-20-0200 Issue B	Building B - South East and South West	PTW	28/7/2023
DA-B-20-0300 Issue B	Building C - North West and North East	PTW	28/7/2023
DA-B-20-0400 Issue B	Building C - South East and South West	PTW	28/7/2023
DA-B-20-0500 Issue B	Building D - North West	PTW	28/7/2023
DA-B-20-0600 Issue B	Building D - North East	PTW	28/7/2023
DA-B-20-0700 Issue B	Building D - South East	PTW	28/7/2023
DA-B-20-0800 Issue B	Building D - South West	PTW	28/7/2023
DA-B-30-0100 Issue B	Section N-S	PTW	28/7/2023
DA-B-30-0200 Issue B	Section E-W	PTW	28/7/2023
DA-B-30-0300 Issue B	Section E-W2	PTW	28/7/2023
DA-B-30-0400 Issue B	Section E-W3	PTW	28/7/2023
DA-B-50-0210 Issue A	Adaptable Apartments 2	PTW	9/12/2022
DA-B-50-0211 Issue A	Adaptable Apartments 3	PTW	9/12/2023
DA-B-50-0212 Issue B	Adaptable Apartments 4	PTW	28/7/2023
DA-B-50-0213 Issue A	Adaptable Apartments 5	PTW	9/12/2022
DA-B-50-0214 Issue A	Adaptable Apartments 7	PTW	9/12/2022
DA-B-50-0216 Issue A	Adaptable Apartments 8	PTW	28/7/2023
DA-B-50-0300 Issue A	Typical Fence Detail	PTW	28/7/2023
DA-B-70-0100 Issue B	External Material and Finishes	PTW	28/7/2023
DA-B-70-0200 Issue A	External Material and Finishes Building B Sheet 1	PTW	28/7/2023
DA-B-70-0201 Issue A	External Material and Finishes Building B Sheet 2	PTW	28/7/2023
DA-B-70-0202 Issue A	External Material and Finishes Building B Sheet 3	PTW	28/7/2023
DA-B-70-0300 Issue A	External Material and Finishes Building C Sheet 1	PTW	28/7/2023
DA-B-70-0301 Issue A	External Material and Finishes Building C Sheet 2	PTW	28/7/2023
DA-B-70-0400 Issue A	External Material and Finishes Building D Sheet 1	PTW	28/7/2023
DA-B-70-0401 Issue A	External Material and Finishes Building D Sheet 2	PTW	28/7/2023

DA-B-70-0402 Issue A	External Material and Finishes Building D Sheet 2	PTW	28/7/2023
DA-B-70-0403 Issue A	External Material and Finishes Building D Sheet 4	PTW	28/7/2023
DA-B-70-0404 Issue A	External Material and Finishes Building D Sheet 5	PTW	28/7/2023
DA-B-70-0405 Issue A	External Material and Finishes Building D Sheet 6	PTW	28/7/2023
Drawing No 2022035 S2LD-DA-000 Revision 2	Cover Sheet and Design Statement	Landform Studios	27/7/2023
Drawing No 2022035 S2-LD-DA-001 Revision 1	Planting Schedule and Legends	Landform Studios	9/12/2022
Drawing No 2022035 S2LD-DA-100 Revision 2	Landscape General Arrangement Plan	Landform Studios	27/7/2023
Drawing No 2022035 S2LD-DA-101 Revision 2	Site 2 Landscape Plan	Landform Studios	27/7/2023
Drawing No 2022035 S2LD-DA-110 Revision 1	Building C-Level 12 Communal Open Space	Landform Studios	9/12/2022
Drawing No 2022035 S2LD-DA-120 Revision 1	Building D-Level 12 Communal Open Space	Landform Studios	9/12/2022
Drawing No 2022035 LD-DA-130 Revision 2	Building D1-Level 12 COS	Landform Studios	27/7/2023
Drawing No 2022035 LD-DA-140 Revision 2	Building B-Level 16	Landform Studios	27/7/2023
Drawing No 2022035 S2LD-DA-400 Revision 1	Building D1-Level 12 CPS	Landform Studios	27/7/2023
Drawing No 2022035 LD-DA-401 Revision 1	Site Sections 2	Landform Studios	27/7/2023
Drawing No 2022035 S2LD-DA-900 Revision 1	Typical Details and Outline Specification	Landform Studios	9/12/2022
22-1031	Civil stormwater management report	AT and L	July 2023
22-1031-DAC200 Issue B	Cover Sheet, Locality Plan and Drawing List	AT and L	27/7/2023
22-1031-DAC201 Issue C	General Notes and Legends	AT and L	27/7/2023
22-1031-DAC202 Issue B	General Arrangement Plan	AT and L	27/7/2023
22-1031-DAC203 Issue B	Typical Sections Sheet 1	AT and L	27/7/2023
22-1031-DAC204 Issue B	Typical Sections Sheet 2	AT and L	27/7/2023
22-1031-DAC210	Site works and	AT and L	27/7/2023

Issue B	Stormwater Drainage Plan Sheet 1 (Including the notation shown in red)		
22-1031-DAC221 Issue B	Site works Details Sheet 1	AT and L	27/7/2023
22-1031-DAC222 Issue B	Site works Details Sheet 2	AT and L	27/7/2023
22-1031-DAC223 Issue B	Site works Details Sheet 3	AT and L	27/7/2023
22-1031-DAC225 Issue B	Stormwater Drainage Details	AT and L	27/7/2023
22-1031-DAC251 Issue B	Stormwater Drainage OSD Catchment Plan	AT and L	27/7/2023
22-1031-DAC252 Issue B	Stormwater Drainage MUSIC Catchment Plan	AT and L	27/7/2023
22-1031-DAC253 Issue B	Stormwater Drainage OSD 1 Roof Plan	AT and L	27/7/2023
22-1031-DAC254 Issue B	Stormwater Drainage OSD 1 Base Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC255A Issue A	Stormwater Drainage OSD 1 Sections and Details Sheet 1 (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC255B Issue A	Stormwater Drainage OSD 1 Sections and Details Sheet 2 (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC256 Issue B	Stormwater Drainage OSD 2 Roof Plan	AT and L	27/7/2023
22-1031-DAC257 Issue B	Stormwater Drainage OSD 2 Base Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC258 Issue B	Stormwater Drainage OSD 2 Sections and Details (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC259 Issue B	Stormwater Drainage OSD 3 Roof Plan	AT and L	27/7/2023
22-1031-DAC260 Issue B	Stormwater Drainage OSD 3 Base Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC261 Issue B	Stormwater Drainage OSD 3 Sections and Details (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC265 Issue B	Stormwater Drainage Basement 06 Plan	AT and L	27/7/2023
22-1031-DAC266 Issue B	Stormwater Drainage Level 12 Plan	AT and L	27/7/2023
22-1031-DAC267 Issue B	Stormwater Drainage Level 16 Plan	AT and L	27/7/2023

22-1031-DAC271 Issue B	Erosion and Sediment Control Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC272 Issue B	Erosion and Sediment Control Details	AT and L	27/7/2023
Reference / Dwg No	Title Description	Prepared By	Date
S0101 Rev P2	Rail Corridor Shoring Plan	JSBC	21/12/2022
S0102 Rev P3	Notes and Schedules for Shoring Plan	JSBC	14/2/2023
S0103 Rev P2	Rail Corridor Shoring Cross Section Sheet 1	JSBC	21/12/2022
S0104 Rev P2	Rail Corridor Shoring Cross Section Sheet 1	JSBC	21/12/2022
S0105 Rev P2	Shoring Elevations Sheet 1	JSBC	21/12/2022
S0106 Rev P2	Shoring Elevations Sheet 2	JSBC	21/12/2022
S0107 Rev P2	Shoring Elevations Sheet 3	JSBC	21/12/2022
S0108 Rev P2	Shoring Elevations Sheet 4	JSBC	21/12/2022
S0109 Rev P2	Shoring Elevations Sheet 5	JSBC	21/12/2022
S0110 Rev P2	Shoring Elevations Sheet 5	JSBC	21/12/2022
S0111 Rev P2	Shoring Elevations Sheet 6	JSBC	21/12/2022
S0112 Rev P2	Shoring Elevations Sheet 7	JSBC	21/12/2022
S0113 Rev P2	Shoring Elevations Sheet 8	JSBC	14/2/2023
S0114 Rev P2	Shoring Elevations Sheet 9	JSBC	14/2/2023
S0115 Rev P2	Overall Shoring Sections Sheet 1	JSBC	14/2/2023
S0120 Rev P3	Shoring Details Sheet 1	JSBC	14/2/2023
S0121 Rev P2	Shoring Details Sheet 2	JSBC	21/12/2022
Reference / Dwg No	Title Description	Prepared By	Date
Certificate Number 1346701M-02	BASIX Certificate	SLR Consulting Pty Ltd	Friday 28 July 2023
Number 0009304710	NatHERS Certificate	SLR Consulting	28 July 2023
SYD2022-1083- R002C	Acoustic DA Assessment	Acouras Consultancy	26/5/2023
Revision 1	Electrolysis Risk Assessment	Tactical Earthing	1 August 2023
	Landscape DA Design Report	Land and Form	27/7/2022
Report No 4174 Revision F	Operational Waste Management Plan	Elephants Foot	18/7/2023
Issue B	Access and Adaptability Assessment Report	Access Mobility Solutions	31 July 222
Report No NE1455- Rev02	Geotechnical and Hydrogeological	GEOTESTA Pty Ltd	5/9/2023

	Monitoring Program		
Ref: 60.31049-R01	NCC Section J Assessment Deemed to Satisfy	SLR	July 2023
Number 22066-RP01	Structural Report for Sydney Trains	JSBC Consulting	14/2/2023
Ref:610.30747-R05	Reflectivity Assessment	SLR	December 2022
Ref:610.30747-R03	Qualitative Environmental Wind Assessment	SLR	December 2022
Reference 116408-BCA-Site 2-R2	BCA Assessment Report	BCA Logic	12 December 2022
	Arboricultural Impact Assessment	Bluegum	November 2022
REF MYP 226772	Letter of Offer to Enter into a Planning Agreement	Bartier Perry	25 January 2024

As amended by the following plans approved by Development Consent 2024/0331

Reference/Dwg No	Title/Description	Prepared By	Date/s
DA-B-00-0000 Rev F	Cover Sheet and Drawing List	PTW	24/02/2025
DA-B-00-0002 Rev F	Development Data Sheet 1/2	PTW	24/02/2025
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DA-B-10-0090 Rev D	Basement LB1 Plan	PTW	02/10/2024
DA-B-10-1000 Rev G	Ground Floor Plan (Including the notation shown in red)	PTW	24/02/2025
DA-B-10-1100 Rev E	Level 01 Plan	PTW	02/10/2024
DA-B-10-1200 Rev D	Level 02 Plan	PTW	02/10/2024
DA-B-10-1300 Rev F	Level 03-08 Plan (Level 05 shown)	PTW	24/02/2025
DA-B-10-1400 Rev E	Level 09-13 Plan (Level 10 shown)	PTW	02/10/2024
DA-B-10-1500 Rev F	Level 14 Plan	PTW	24/02/2025
DA-B-10-1600 Rev F	Level 15 Plan	PTW	24/02/2025
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DA-B-10-1800 Rev E	Level 17-21 Plan (Level 18 shown)	PTW	02/10/2024
DA-B-10-1900 Rev E	Level 22 Plan	PTW	02/10/2024
DA-B-10-1901 Rev D	Roof Plan	PTW	02/10/2024
DA-B-20-0100 Rev C	Building B - North-West & North-East	PTW	24/04/2024
DA-B-20-0200 Rev D	Building B - South-East & South-West	PTW	24/02/2025
DA-B-20-300 Rev E	Building C - North-West & North-East	PTW	24/02/2025
DA-B-20-0400 Rev E	Building C - South-East & South-West	PTW	24/02/2025
DA-B-20-0500 Rev D	Building D - North-West	PTW	02/10/2024

DA-B-20-0600 Rev E	Building D - North-East	PTW	24/02/2025
DA-B-20-0700 Rev D	Building D South-East	PTW	02/10/2024
DA-B-20-0800 Rev D	Building D - South-West	PTW	02/10/2024
DA-B-30-0100 Rev D	Section N-S	PTW	02/10/2024
DA-B-30-0200 Rev D	Section E-W	PTW	02/10/2024
DA-B-30-0300 Rev D	Section E-W2	PTW	02/10/2024
DA-B-30-0400 Rev D	Section E-W3	PTW	02/10/2024
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DA-B-50-0210 Rev C	Adaptable Apartments 2	PTW	02/10/2024
DA-B-50-0211 Rev C	Adaptable Apartments 3	PTW	02/10/2024
DA-B-50-0212 Rev D	Adaptable Apartments 4	PTW	02/10/2024
DA-B-50-0213 Rev C	Adaptable Apartments 5	PTW	02/10/2024
DA-B-50-0214 Rev C	Adaptable Apartments 6	PTW	02/10/2024
DA-B-50-0215 Rev C	Adaptable Apartments 7	PTW	02/10/2024
DA-B-50-0216 Rev C	Adaptable Apartments 8	PTW	02/10/2024
DA-B-50-0217 Rev A	Adaptable Apartments 9	PTW	02/10/2024
DA-B-50-300 Rev B	Typical Fence Detail	PTW	24/04/2024
DA-B-70-0100 Rev C	External Material and Finishes	PTW	24/04/2024
DA-B-70-0200 Rev B	External Material and Finishes - BLDG B - Sheet 1	PTW	24/04/2024
DA-B-70-0201 Rev B	External Material and Finishes - BLDG B - Sheet 2	PTW	24/04/2024
DA-B-70-0202 Rev B	External Material and Finishes - BLDG B - Sheet 3	PTW	24/04/2024
DA-B-70-0300 Rev C	External Material and Finishes - BLDG C - Sheet 1	PTW	02/10/2024
DA-B-70-0301 Rev C	External Material and Finishes - BLDG C - Sheet 2	PTW	02/10/2024
DA-B-70-0302 Rev C	External Material and Finishes - BLDG C - Sheet 3	PTW	02/10/2024
DA-B-70-0400 Rev B	External Material and Finishes - BLDG D - Sheet 1	PTW	24/04/2024
DA-B-70-0401 Rev B	External Material and Finishes - BLDG D - Sheet 2	PTW	24/04/2024
DA-B-70-0402 Rev B	External Material and Finishes - BLDG D - Sheet 3	PTW	24/04/2024

DA-B-70-0403 Rev B	External Material and Finishes - BLDG D - Sheet 4	PTW	24/04/2024
DA-B-70-0404 Rev B	External Material and Finishes - BLDG D - Sheet 5	PTW	24/04/2024
DA-B-70-0405 Rev B	External Material and Finishes - BLDG D - Sheet 6	PTW	24/04/2024
DA-B-70-0406 Rev B	External Material and Finishes - BLDG D - Sheet 7	PTW	24/04/2024
Drawing No 2022035 S2LD-DA-000 Rev 3	Cover Sheet & Design Statement	Landform Studios	30/04/2024
Drawing No 2022035 LD-DA-001 Rev 3	Planting Schedule & Legends	Landform Studios	30/04/2024
Drawing No 2022035 S2LD-DA-100 Revision 2	Landscape General Arrangement Plan	Landform Studios	27/7/2023
Drawing No 2022035 S2LD-DA-101 Rev 3	Site 2 Landscape Plan	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-110 Rev 3	Building C - Level 16 COS	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-120 Rev 3	Building D2 - Level 14 COS	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-130 Rev 3	Building D1 - Level 16 COS	Landform Studios	30/04/2024
Drawing No 2021035 LD-DA-140 Rev 3	Building B - Level 22 COS	Landform Studios	30/04/2024
Drawing No 2022035 S2LD-DA-400 Rev 3	Site Sections 1	Landform Studios	30/04/2024
Drawing No 2022035 LD-DA-401 Rev 3	Site Sections 2	Landform Studios	30/04/2024
Drawing No 2022035 LD-DA-900 Rev 3	Typical Details & Outline Specification	Landform Studios	30/04/2024
22-1031	Civil stormwater management report	AT and L	July 2023
22-1031-DAC200 Issue B	Cover Sheet, Locality Plan and Drawing List	AT and L	27/7/2023
22-1031-DAC201 Issue C	General Notes and Legends	AT and L	27/7/2023
22-1031-DAC202 Issue B	General Arrangement Plan	AT and L	27/7/2023
22-1031-DAC203 Issue B	Typical Sections Sheet 1	AT and L	27/7/2023
22-1031-DAC204 Issue B	Typical Sections Sheet 2	AT and L	27/7/2023
22-1031-DAC210 Issue B	Site works and Stormwater Drainage Plan Sheet 1 (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC211 Issue B	Site works and Stormwater Drainage Plan Sheet 2 (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC221	Site works Details	AT and L	27/7/2023

Issue B	Sheet 1		
22-1031-DAC222 Issue B	Site works Details Sheet 2	AT and L	27/7/2023
22-1031-DAC223 Issue B	Site works Details Sheet 3	AT and L	27/7/2023
22-1031-DAC225 Issue B	Stormwater Drainage Details	AT and L	27/7/2023
22-1031-DAC251 Issue B	Stormwater Drainage OSD Catchment Plan	AT and L	27/7/2023
22-1031-DAC252 Issue B	Stormwater Drainage MUSIC Catchment Plan	AT and L	27/7/2023
22-1031-DAC253 Issue B	Stormwater Drainage OSD 1 Roof Plan	AT and L	27/7/2023
22-1031-DAC254 Issue B	Stormwater Drainage OSD 1 Base Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC255A Issue A	Stormwater Drainage OSD 1 Sections and Details Sheet 1 (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC255B Issue A	Stormwater Drainage OSD 1 Sections and Details Sheet 2 (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC256 Issue B	Stormwater Drainage OSD 2 Roof Plan	AT and L	27/7/2023
22-1031-DAC257 Issue B	Stormwater Drainage OSD 2 Base Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC258 Issue B	Stormwater Drainage OSD 2 Sections and Details (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC259 Issue B	Stormwater Drainage OSD 3 Roof Plan	AT and L	27/7/2023
22-1031-DAC260 Issue B	Stormwater Drainage OSD 3 Base Plan (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC261 Issue B	Stormwater Drainage OSD 3 Sections and Details (Including the notation shown in red)	AT and L	27/7/2023
22-1031-DAC265 Issue B	Stormwater Drainage Basement 06 Plan	AT and L	27/7/2023
22-1031-DAC266 Issue B	Stormwater Drainage Level 12 Plan	AT and L	27/7/2023
22-1031-DAC267 Issue B	Stormwater Drainage Level 16 Plan	AT and L	27/7/2023
22-1031-DAC271 Issue B	Erosion and Sediment Control Plan (Including the notation shown in red)	AT and L	27/7/2023

22-1031-DAC272 Issue B	Erosion and Sediment Control Details	AT and L	27/7/2023
S0101 Rev P2	Rail Corridor Shoring Plan	JSBC	21/12/2022
S0102 Rev P3	Notes and Schedules for Shoring Plan	JSBC	14/2/2023
S0103 Rev P2	Rail Corridor Shoring Cross Section Sheet 1	JSBC	21/12/2022
S0104 Rev P2	Rail Corridor Shoring Cross Section Sheet 1	JSBC	21/12/2022
S0105 Rev P2	Shoring Elevations Sheet 1	JSBC	21/12/2022
S0106 Rev P2	Shoring Elevations Sheet 2	JSBC	21/12/2022
S0107 Rev P2	Shoring Elevations Sheet 3	JSBC	21/12/2022
S0108 Rev P2	Shoring Elevations Sheet 4	JSBC	21/12/2022
S0109 Rev P2	Shoring Elevations Sheet 5	JSBC	21/12/2022
S0110 Rev P2	Shoring Elevations Sheet 5	JSBC	21/12/2022
S0111 Rev P2	Shoring Elevations Sheet 6	JSBC	21/12/2022
S0112 Rev P2	Shoring Elevations Sheet 7	JSBC	21/12/2022
S0113 Rev P2	Shoring Elevations Sheet 8	JSBC	14/2/2023
S0114 Rev P2	Shoring Elevations Sheet 9	JSBC	14/2/2023
S0115 Rev P2	Overall Shoring Sections Sheet 1	JSBC	14/2/2023
S0120 Rev P3	Shoring Details Sheet 1	JSBC	14/2/2023
S0121 Rev P2	Shoring Details Sheet 2	JSBC	21/12/2022
Certificate Number 1346701M_04	BASIX Certificate	SLR Consulting Pty Ltd	20/11/2024
NatHERS Certificate No. 0008304710	NatHERS Certificate	SLR Consulting	25 Nov 2024
NatHERS Certificate No. 0009574220	NatHERS Certificate	SLR Consulting	20 Nov 2024
Reference Number: 526/AMS01/01GS Issue F	Access & Adaptability Assessment Report	Access Mobility Solutions	11 November 2024
Ref: 610.30747 Rev: R07-v0.1	Reflectivity Assessment	SLR	10 May 2024
Ref: 60.31049-R01	NCC Section J Assessment Deemed to Satisfy	SLR	July 2023
Report No NE1455-Rev02	Geotechnical and Hydrogeological Monitoring Program	GEOTESTA Pty Ltd	5/9/2023
Report No. NE1455	Geotechnical Site Investigation Report	GEOTESTA Pty Ltd	05/06/2024
	Arboricultural Impact Assessment	Bluegum	May 2024
SYD2022-1083-	Acoustic DA	Acouras	26/04/2024

R002E	Assessment	Consultancy	
Reference 116408-BCA-Site 2-R2	BCA Assessment Report	BCA Logic	12 December 2022
116408-BCA Site 2-Addendum-r01	BCA Addendum report	Jensen Hughes	31 May 2024
Rev 1	Preliminary Environmental Site Investigation	Environmental Consulting Services	27/10/2022
Rev 2	Detailed Environmental Site Investigation	Environmental Consulting Services	23/01/2023
Report Number: 22066 - RP01 Rev 3	Structural Report for Sydney Trains	JSBC Consulting	25/10/2024
Report No. 4174 Revision J	Operational Waste Management Plan	Elephants Foot	27/05/2024
SLR Ref: 610.31049.00000-R01 Rev v2.0	Qualitative Environmental Wind Assessment	SLR	May 2024
REF MYP 226772	Letter of Offer to Enter into a Planning Agreement	Bartier Perry	25 January 2024

[Approved documentation for DA2022/0776 dated 13 June 2024 as amended by DA 2024/0331]

Condition 4 of DA2022/0776 is amended as follows:

4. **DAGCA11 - No Approval for the Use of each neighbourhood shop and No approval for any works outside "Site 2"**

The development consent does not provide the following:

~~a) No approval is given or implied for the use of each neighbourhood shop tenancy situated on the ground floor of Building D. A separate development application or complying development certificate is required for the fit out and use of each of the six tenancies.~~

a) No approval is given to any of the landscaping or works shown on the plans that are outside the site or "site 2". In this regard, this consent only relates to all the works and the development contained wholly within "Site 2".

(Reason: Information)

[Condition 4 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 8 of DA2022/0776 is deleted:

8. **DAGCD08 - Future use of Mixed-Use Building for Neighbourhood shops**

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

~~(Reason: To ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation)~~

[Condition 8 of DA2022/0776 is deleted by this Development Consent DA2024/0331]

Condition 14 of DA2022/0776 is amended as follows:

14. **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 addressing the following matters:

Amended stormwater plans

The stormwater plan shall be amended with appropriate remedial measures to address and taking into account the following engineering matters.

- a. The stormwater drainage shall be designed in accordance with the policy, design guidelines, and requirements of Cumberland City Council. In this regard, the stormwater design shall adopt the blockage factor of 50% applied to all kerb inlet pits (not 10% and 30% as outlined in the "Civil Stormwater management Report"). In addition, all pipelines with the size less than 225mm diameter shall be designed to provide a falling gradient of at least 1%.
- b. Layout drawings of the pipelines for the runoff from the roof and the surface runoff from the shall be provided showing how the runoff from the roof and the ground level surface area are collected and directed into the stormwater water quality and flow control system.

Water quality treatment system

- c. In order to maximise the performance of the filtration system, a "high flow bypass chamber (also known as "Diversion chamber") shall be incorporated at the upstream side of the filtration system. All the runoffs/ inflow shall be directed into the high flow bypass chamber (i.e., "Oceanguard" chamber) for "water quality treatment". The initial flow also known as "First flush" which is a flow equivalent to approximately 1 in 3 month's flow containing high concentration of pollutants shall be directed into the filtration system through the low level outlet (at the bottom of the chamber) and the flow exceeding the initial flow, which contain comparatively diluted pollutant concentration, can be directed into the rainwater tank and/or the OSD system. However, the overflow from the rainwater tank should be directed into the OSD system for flow control.
- d. The stormwater drainage and subsoil drainage plan of the basement shall be provided with layout details and details of the basement pump-out tank. The basement pump outflow shall be directed into the High-flow bypass chamber (diversion chamber) for the water quality treatment. Direct pumping from basement pump-out tank into the treatment device shall not be carried out.

On-Site Detention (OSD) basin

- e. The On-site Detention (OSD) system shall be re-designed taking into account of the whole site area of the development (not just the roof area draining into the OSD system).

The OSD design calculation summary sheet shall be amended to incorporate the correct area input. The following sub catchment area are noted and must be used as the sub catchment site area for each OSD design calculation.

- i. Building B (OSD3) - 1,618 square metres.
 - ii. Building C (OSD2) - 1,134 square metres.
 - iii. Building D (OSD1) - 3,062 square metres.
- f. The catchment area that drains into the OSD system and the area that bypass the OSD system must be delineated on the Stormwater layout plan and the area (in m²) shown on the plan. Amended OSD calculation summary sheet shall be prepared accordingly.
 - g. The orifice size shall be re-adjusted (downsized) to account for the outflow through the filtration system (filter cartridges) which does not pass through the OSD flow control orifice.
 - h. The OSD storage volume shall be sufficient and consistent with the OSD design. The

OSD storage volume provision shall be demonstrated.

- i. The area bypassing the OSD system shall not exceed 15% of the site area sub catchment/ site area associated to the respective OSD system. Appropriate measures shall be incorporated into the system to comply with the requirement.
- j. The basement pump-out shall be designed taking account of the amount of subsoil drainage entering the pump-out system through the outer periphery of the basement and the runoff from the exposed area of the driveway that flows into the basement pump-out system.
- k. There must not be any inflow into the filtration chamber from the OSD storage area as it will allow the water from OSD storage area to pass through the filtration system and bypass OSD flow control measure. The proposed return pipe from the OSD primary storage into the filtration system shall be deleted.
- l. Grated openings shall be provided near each corner of the OSD tank for cross ventilation. In addition, for the clear sight and observation of the functioning of orifice and flow control system, grated opening shall be provided above each orifice at appropriate location.

Note: An amended OSD design calculation summary sheet must be provided.

- m. In order to provide clear sight and observation of the functioning of the orifices and flow control system grated openings shall be provided above each orifice at appropriate locations.
- n. The sump provided in front of each orifice shall be reduced from size 900 x 900 mm to 900 x 450 mm and benching shall be provided to prevent stagnant water within the sump.
- o. Runoff/outflow from the site (i.e outflow from each OSD System) shall be routed through a sediment trap pit before it is discharged into Council's drainage system. Such sediment traps pits shall have a 200 mm sump below the invert level of the outlet pipe.
- p. Drawing showing the layouts of the pipelines for the roof runoff and the surface runoff shall be provided, showing how the runoff from the roof and the ground level surface area are collected and directed into the stormwater water quality and flow control system.
- q. A blockage factor of 50% shall be applied to all kerb inlet pits. In addition, the incorrect reference to council ("Parramatta city council") shall be rectified. The "Civil Stormwater Management Report" shall be amended accordingly together with the amended stormwater plan.

Amended architectural plans

- a. The curved circulation aisle/ ramp shall comply with the section 2.5.2 (figure 2.9) of AS2890.1 2004, in terms of the radii, Ro, Ri and WL, and the required lane separator as per figure 2.9 of AS2890.1-2004.
- b. To provide clear sight line and visibility at the tunings/bends and prevent conflict, within the circulation aisle and the ramps, traffic convex mirrors shall be installed for clear view of the traffic from the opposite direction. This shall be marked on the plan of ground level and basements.
- c. ~~The parking spaces 1 and 4 for residential use on basement level 3, 4 and 5 shall be deleted for improved manoeuvrability and clear sightline.~~
- d. Long-sectional profile of the driveway and ramp with the sectional length, gradient, existing ground surface and finished surface profile and levels, starting from the road centreline up to the lowest level basement parking area shall be provided. The following shall be complied with.

- i. Gradient of the ramp/driveway shall not exceed 1:6.5 or 15.4% with rate of change of grade not exceeding 1:16 (6.25%) in 7m length of travel for the MRV's and HRV's.
 - ii. The minimum headroom clearance shall not be less than 3.5m for SRV's and 4.5m for MRV's and HRV's (to facilitate for manoeuvring of rigid vehicles).
 - iii. The long-section profile shall accompany the corresponding layout plan of the ramp with the curve showing the radius of the outer kerb of outer lane and inner kerb of the inner lane.
- e. Appropriate measure shall be made to ensure that the line of sight of the manoeuvring vehicles are not obstructed through the bends/ turns along the circulation aisle and ramps. In this regard, Traffic convex mirrors and traffic sign shall be provided at appropriate locations for smooth traffic flow within the site.
- f. The awning structure encroaching into the RE1 and outside "Site 2" along the western side of Building "D" shall be removed. In this regard, the awning shall not extend outside of the area known as "Site 2" under any circumstances.
- g. The ground level western pedestrian footway abutting the western side of Building D shall be sited wholly within the development site ("Site 2") and shall not encroach into the RE1 (Public Recreation) zone. To achieve this, the ~~two west facing shops~~ **fire control room and gas cabinet** of Building D shall be sited back 1.8 metres from the property boundary to permit the pedestrian pathway to be constructed wholly within the development site ("Site 2") and to have a minimum width of 1.8 metres.
- ~~h. The substations shown adjacent to Building D on the plans are not approved and is subject to a separate development application.~~

Note: Any future location of the substation shall ensure access is not via land zoned RE1.

- ~~i. The fire escape stair situated adjacent to the southernmost shop shall be modified so that the stairwell directs occupants to the western side of the building and not to the primary access driveway.~~

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

[Condition 14 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 20 of DA2022/0776 is amended as follows:

20. **DACCB03 - Section 7.11 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Cumberland Local Infrastructure Contributions Plan 2020 is to be paid to Council. The amount of contribution payable is calculated at: \$8,812,767.40

(DA2022/0776): \$8,940,766.90.

(DA2024/0331): \$501,786.00.

The above figures are subject to change by CPI at the date of payment.

A copy of the Cumberland Local Infrastructure Contributions Plan 2020 can be viewed on Council's website.

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

[Condition 20 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 21 of DA2022/0776 is amended as follows:

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

Types of fees	Amount	Payment timing
Damage Deposit	\$6,860.00 \$10,275.00	Prior to issue of the construction certificate.
Sect. 7.11 Contributions	\$8,812,767.40 Plus CPI . \$8,940,766.90 + CPI (DA2022/0776) and \$501,786.00 + CPI (DA2024/0331)	Prior to issue of the construction certificate.
Construction Management Plan	\$374.00 \$393.00	Prior to issue of the construction certificate.
TOTAL	\$8,820,000.14 \$9,453,220.90 Plus CPI where applicable.	

[Condition 21 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 26 of DA2022/0776 is amended as follows:

26. 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~~ **works commencing**, 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)

[Condition 26 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 33 of DA2022/0776 is deleted:

33. DACCG01 - Available Visitor Car Parking Signage

~~A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of Council or Registered Certifier prior to the issue of the Construction Certificate.~~

(Reason: Adequate access and egress)

[Condition 33 of DA2022/0776 is deleted by this Development Consent DA2024/0331]

Condition 34 of DA2022/0776 is amended as follows:

34. DACCG04 - Off Street Car Parking - Residential Buildings

No less than ~~439~~ **240** car parking spaces are required to be provided on site as follows:

- 165 parking spaces for use by the resident of non- affordable units
- 36 parking spaces for use by the residents of affordable units
- 39 parking spaces for use by the residents of built to rent units
- ~~Minimum 351 spaces to service the apartments.~~
- ~~Minimum 77 space for visitor use.~~
- ~~Minimum 11 spaces to service the commercial tenancies.~~

- a) All car spaces shall be allocated and marked according to this requirement.

- b) If the development is to be strata subdivided, the car park layout must reflect the above allocation and shall be part of the entitlement of that strata lot.
- c) Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- d) ~~Visitor spaces shall only be used by persons visiting residents of the property or persons with a legitimate legal reason to be upon the land.~~
- e) ~~A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.~~
- f) **Car parking spaces for people with mobility impairment/disabilities in accordance with the relevant Australian Standards.**

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

(Reason: Parking and access)

[Condition 34 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 55 of DA2022/0776 is amended as follows:

55. 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 to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Acouras Consultancy Reference SY2022-1083-R004D **SY2022-1083-R002E** and dated ~~19/7/2023~~ **26/04/2024**.

Note: Suitably qualified Acoustic Consultant means a consultant who holds a current member grade of the Australian Acoustics Society.

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

[Condition 55 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 114 of DA2022/0776 is amended as follows:

114. DAOCA05 - Height

The maximum height of the proposed development shall be as follows:

- Building B - RL72 **90.6**AHD.
- Building C - RL ~~59.55~~ **71.950**AHD.
- Building D1 - ~~58.85~~ **RL71.750**AHD (lift overrun).

A survey report is to be provided to the Registered Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the **SEPP (Housing) 2021**~~LEP~~ height of buildings development standard)

[Condition 114 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 115 of DA2022/0776 is amended as follows:

115. DAOCA06 - Adaptable Housing

A minimum of ~~sixty~~ **ninety** (64 **90**) apartments within the development shall be made adaptable.

(Reason: To ensure that an appropriate number of apartments are made adaptable within the development)

[Condition 115 of DA2022/0776 as amended by this Development Consent

DA2024/0331]

Condition 121 of DA2022/0776 is amended as follows:

121. DAOCB04 - Acoustic Verification Report

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Registered Certifier that confirms the following:

- a) All recommendations contained in the DA acoustic report prepared by Acouras Consultancy dated 19/7/2023 26/04/2024, reference SYD2022-1083-R001D **SYD2022-1083-R002E** 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.

*Note: Suitably qualified Acoustic Consultant being a consultant who holds a current member grade of the Australian Acoustical Society.

(Reason: To protect residential amenity)

[Condition 121 of DA2022/0776 as amended by this Development Consent DA2024/0331]

Condition 143 of DA2022/0776 is deleted:

143. DAQUE02 - Visitor Parking Restriction

~~Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.~~

~~(Reason: Compliance)~~

[Condition 143 of DA2022/0776 is deleted by this Development Consent DA2024/0331]

Condition 146 of DA2022/0776 is deleted:

146. DAOUZ02 - Car Parking space for visitor's Use

~~All the car parking spaces allocated for visitor use must be numbered, signposted and continue to be made available for the use by the visitors.~~

~~(Reason: To facilitate parking spaces for visitor's use.)~~

[Condition 146 of DA2022/0776 is deleted by this Development Consent DA2024/0331]

4. DAGCZ02 - Relationship with Development Consent 2022/0776

This consent is to be read in conjunction with the consents DA2022/0776. Where there is an inconsistency between this consent and the above mentioned consents, then consent to DA 2024/0331 shall prevail to the extent of the inconsistency.

The modification of development consents DA2022/00776 related to 1/4-4A Terminal Place, part 5, part 7 McLeod Road, Merrylands must be given in the manner prescribed by Section 4.17(5) of the Environmental Planning and Assessment Act 1979 and Clause 67 of the Environmental Planning and Assessment Regulation, 2021.

(Reason: To ensure consistency between Development Consent 2022/0776 and Development Consent 2024/0331).

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

5. 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)

6. 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)

7. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$10,275 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)

8. 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)

9. 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)

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. DACCC05 - Hoardings

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

(Reason: Safety & information)

12. DACCE02 - Construction Management Plan

Prior to the issue of a 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)

13. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of a 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)

14. DACCF03 - Landscape Plan

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

The plan must include the following information:

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

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

(Reason: Landscape quality)

15. 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)

16. DACCG06 - Emergency Vehicles - Pavement Design

Internal access roads and driveways, which are required for access by service and/or emergency vehicles, shall be designed to withstand a minimum laden weight of 24 tonnes. Details shall be submitted to and approved by Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

17. DACCG10 - Stacked Parking

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same unit. The stacked parking spaces must not be used for visitor parking.

(Reason: To ensure that building users will have access to their allocated parking spaces)

18. DACCI04- Site Cranes

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

(Reason: Safety and statutory compliance)

19. DACCG07 - Installation of Temporary Ground Anchor

Where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, a separate application form for temporary ground anchors shall be submitted with payment of the relevant fees and charges prior to the issue of a Construction Certificate. For Council to favourably consider anchors, a statement from a qualified structural or geotechnical engineer must be submitted with the application demonstrating there is no practical viable alternative method of stabilisation.

(Reason: Protection of Council assets)

20. DACCG10 - Engineering Design - Basement Excavation

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

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.
- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted which states that damage will not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises. Details of any approved anchors are to be provided to the Principal Certifier prior to the commencement of any excavation or building works.

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

premises)

21. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development

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

(Reason: To ensure the support for neighbouring buildings)

22. 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)

23. DACCK05 - Salinity

This site has been identified as having a potential salinity hazard. To prevent moisture / salinity from entering the built structure, appropriate construction measures are to be incorporated for all buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted with the Construction Certificate application.

(Reason: Ensure appropriate construction methods are used)

24. DACCK06 - Retaining Walls

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

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

25. DACCK07 - Structural Engineer's Details

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

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

26. 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)

27. 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)

28. 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)

29. DACCL04- Residential Car Wash Bay

A car wash bay is to be provided on the premises for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater from the bay must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.

Details are to be submitted to the Council or registered certifier with the Construction Certificate application.

(Reason: To protect the environment)

30. 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 30b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$1,124,618.58
Total housing and productivity contribution	\$1,124,618.58

b) The amount payable at the time of payment is the amount shown in condition 30a) 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).

31. DACCO05- Parking and Access

Any minor variations adopted for structural plans submitted with the construction certificate application as compared to the approved development application plans in respect of the parking layout, driveway, internal ramp, turning areas, parking spaces and / or loading bay are to ensure compliance with

applicable provisions of AS2890 including:

- a) Circulation roadways and ramp widths shall comply with section 2.5.2.
- b) Circulation ramp grades and transitions are to comply with section 2.5.2. A longitudinal section along the steepest side the ramp demonstrating compliance shall be prepared.
- b) Kerbs shall be at least 300mm wide and 150mm high to either side of a ramp.
- c) Pedestrian sight distances are to be provided in accordance with section 3.2.4.
- d) Headroom clearance measured from the floor to the underside of any ceiling, beam, ventilation duct, service conduit, open door or other structure shall a minimum of 2.5m in the location of accessible parking spaces and 2.2m elsewhere.
- e) Directional arrows for internal circulation shall be prominently displayed. The entry/exit driveway shall be line marked.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier. If no variations from the approved development application plans are proposed as part of the construction certificate application, no further details demonstrating compliance are required.

(Reason: To ensure satisfactory vehicle access and parking remains in the event of any minor changes being incorporated with construction certificate plans from development consent plans for slab width or the like, and to ensure stormwater from the street does not enter the basement)

32. DACCZ01 - Internal vehicular circulation management system

Appropriate internal traffic circulation and management system comprising of line marking and signs on the pavement, traffic sign, convex traffic mirrors at each 90-degree bend/turns, etc shall be designed and installed at each critical location/ traffic conflict points where the turning is required, and line of sight is critical.

In addition, 'give way' sign and 'line mark' shall be provided at each traffic conflict point within the basement parking area.

(Reason: To improve traffic circulation and safety)

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

33. 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)

34. DAPCA02 - Home Building Compensation Fund

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered

- into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
 - c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;
 - d) Written notice of the following information has been provided to Council;
 - In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor, and
 - (ii) The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
 - In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder, and
 - (ii) If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Principal Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

35. 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)

36. 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)

37. 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)

38. 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)

39. 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)

40. DAPCC01 - Salinity

The applicant must advise the relevant public utility authorities of any potential salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations.

(Reason: To ensure utility authorities design relevant utilities in consideration of the saline soils)

Conditions which must be satisfied during any development work.

41. 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)

42. 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)

43. 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)

44. 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)

45. 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)

46. 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) 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)

47. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.
(Reason: To avoid visual clutter)

48. DADWA11 - Communication Cabling

All communication cabling shall be installed underground as per the relevant authority's requirements.
(Reason: Environmental Amenity)

49. 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)

50. 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)

51. 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)

52. 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. 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)

58. DADWC08 - Anti-Graffiti Coatings

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

Reason: To minimise the opportunity for graffiti)

59. 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)

60. 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)

61. 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)

62. 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)

63. 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)

64. 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)

65. DADWD05 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

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) 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 the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;
- d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- e) Prior to covering any stormwater drainage connections; and
- f) 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.

66. 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)

67. DAOCA02 - Final Clearance

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

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

68. 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)

69. 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)

70. DAOCA10 - Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

(Reason: To clearly identify the street number of the property)

71. DAOCC02 - Affordable Rental Housing - Restriction as to User and Positive Covenants

For a period of at least 15 years from the date of the issue of the Occupation Certificate:

- a) All 73 units in Building C must be used for the purpose of affordable housing as defined in clause 13(1) of *State Environmental Planning Policy (Housing) 2021*; and
- b) Units 313, 314, 315, 316, 317, 318, 319 and 320 on Level 3 of Building D2 must be used for the purpose of affordable housing as defined in clause 13(1) of *State Environmental Planning Policy (Housing) 2021*.
- c) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.

A restriction as to user shall be registered on the title to the property under section 88E of the *Conveyancing Act* prior to the issue of an Occupation Certificate, to give effect to part (a) & (b) of this condition. Such restriction shall not be revoked or modified without the approval of Council.

The rental amount of the affordable units is to meet the requirement of clause 13(1) of *State Environmental Planning Policy (Housing) 2021*.

(Reason: Ensure compliance with State Environmental Planning Policy (Housing) 2021)

72. 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)

73. 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)

74. DAOCH07 - De-stressing or Removal of Rock Anchors

Upon the completion of works and prior to the issue of an Occupation Certificate, a qualified structural or geotechnical engineer shall certify that the rock anchors have been completely de-stressed or removed without damage to Council's assets or to existing utility services.

(Reason: Protection of public asset)

75. DAOCH13 - Australia Post Guidelines

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post guidelines.

(Reason: To ensure compliance with mail delivery regulations)

76. DAOCZ01 - Vehicular access and parking requirements

Prior to issue of occupation certificate, the principal certifier shall be ensured that the following requirements are complied.

- a. Convex traffic mirrors with the traffic sign shall be installed at every bend/turning location and wherever the line of sight is obstructed and not clear.

(Reason: Compliance with requirements of traffic, vehicle access, and parking requirements)

77. DAOCZ02 - Build to rent

For a period of at least 15 years from the date of the issue of the Occupation Certificate:

- a) 194 units in Building D must be used for the purpose of build to rent and by individuals under residential tenancy agreement.
- b) The tenanted component of the building to which the development consent relates must not be subdivided into separate lots; and
- c) The tenanted component of the buildings to which the development consent relates must-
 - (i) be owned and controlled by 1 person only, and
 - (ii) be operated by 1 managing agent only, who provides on-site management.

A restriction as to user shall be registered on the title to the property under section 88E of the Conveyancing Act prior to the issue of an Occupation Certificate, to give effect to part (a-c) of this condition. Such restriction shall not be revoked or modified without the approval of Council.

Evidence that a restriction as to user has been registered on the title to the property under section 88E of the Conveyancing Act shall be given to Council prior to the occupation of the premises.

(Reason: Ensure compliance with State Environmental Planning Policy (Housing) 2021)

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

78. 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)

79. 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)

80. DAOUA19- Lighting Nuisance

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

(Reason: Environmental amenity)

81. DAOUA21 - Manager's office- Ancillary Use

No part of the premises may be used as offices or for any other commercial activity. The manager's office on the ground floor shall be used to provide on-site management to the buildings subject to this consent.

(Reason: To ensure compliance with approved use)

82. DAOUA30 - Use for Affordable Housing

All units in Building C and Level 3 of Building D2 (being units 313, 314, 315, 316, 317, 318, 319 and 320) must be used for the purpose of affordable housing under State Environmental Planning Policy (Housing) 2021 and managed by a registered community housing provider for a period of at least 15 years from the date of the issue of the Occupation Certificate.

Any notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change.

The registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

(Reason: Ensure the correct number of units are maintained as affordable housing for no less than 15 years)

83. 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)

84. 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)

85. DAOUC22 - Car Wash Residential

Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained.

The Owners Corporation or building owner should advise all users of the car wash facilities, how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times. Clearly visible sign(s) shall be erected as the car wash bay stating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay. The sign(s) shall further encourage users to minimise the use of detergents and water.

(Reason: To protect the environment)

86. DAOUE03 - Parking

At least 274 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)

87. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

88. DAOUH03 - Convex safety mirror

Convex safety mirrors shall be maintained in good working condition at all times.

(Reason: To improve sight distance and safety)

89. 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)

90. DAOUZ01 - Use for Build to rent

At least 194 units in Building D must be used for the purpose of build to rent by individuals under a residential tenancy agreements, the build to rent component must for a period of at least 15 years from the date of the issue of the Occupation Certificate.

(Reason: Ensure the correct number of units are maintained for build to rent for no less than 15 years)

Advisory Notes

91. 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)

92. 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)

93. 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)

94. 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)

95. 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)

96. 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)

97. DAANN13 - Work Health and Safety

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

(Reason: Advisory)

98. 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)

99. 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)