



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

Application No: DA2019/0467

Applicant: Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club & Urbis

Property Description: 18-34 John Street, 1 & 4-28 Board Street, Board Street, and 3-21 Ann Street, LIDCOMBE NSW 2140

Lot 2011, DP 1225004, Lot 1, DP 712252, Lots X & Y, DP 391142, Lot 12, DP 741212, Lot 14, DP 1083698, Lot 1, DP 779654, Lots A & B, DP 190260, Lot B, DP 395349, Lot 1, DP 741584, Lots 11, 12 & 13, DP 64696, Lots 14 & 15, DP 976927, Lot 9, Section A, DP 979289, Lots 11, 13 & 15, DP 78789, Lot 14, DP 1083657, Lots 1, 2 & 3, DP 79131, Lot 1, DP 196024, and Lot 1, DP 798953

Development: Alterations and additions to an existing Registered Club (Dooleys Lidcombe Catholic Club), including demolition works, extension of the existing basement car park, refurbishment and expansion of existing club building on John Street, and construction of two additional floors to facilitate administration, office and staff areas and associated stormwater works and provision of a substation

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.

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Dated
Plan – Drawing List + 3D / PA030165 / DA-00-0000	PTW Architects	06	05/12/2019
Plan – Site Plan / PA030165 / DA-00-0020		05	
Plan – Demo – Basement 02 / PA030165 / DA-02-0800		07	
Plan – Demo – Basement 01 / PA030165 / DA-02-0900			
Plan – Demo – Level Ground Club / PA030165 / DA-02/1000			
Plan – Demo – Level 01 – Club / PA030165 / DA-02-1100			
Plan – Demo – Level Roof / PA030165 / DA-02-1200		010	
Plan – Basement 02 / PA030165 / DA-10-0800			
Plan – Basement 01 / PA030165 / DA-10-0900			
Plan – Level Ground – Club / PA030165 / DA-10-1000			
Plan – Level 01 – Club / PA030165 / DA-10-1100			

Plan – Level 02 – Admin / PA030165 / DA-10-1200			
Plan – Level 03 – Admin / PA030165 / DA10-1300			
Plan – Level Roof / PA030165 / DA-10-1400			
Plan – Elevations / PA030165 / DA-20-0201			
Plan – Elevations – Admin / PA030165 / DA-20-0202		09	30/04/2020
Plan – Section A & B / PA030165 / DA-30-0100			
Schedule – Materials / PA030165 / DA-75-0701		05	05/12/2019
Landscape Cover Sheet / LDA-00	Ground Ink		
Landscape Masterplan / LDA-01			
Inset Landscape Plans / LDA-02			
Rooftop Landscape Plan / LDA-03		A	22/07/2019
East Elevation / LDA-04			
North Elevation / LDA-05			
Landscape Details / LDA-05	Bonacci		
Drawing Register and Construction Notes / 20 21718 01 / C001		P4	
Existing OSD Catchment Plan / 20 21718 01 / C004		P1	
Soil and Water Management Plan / 20 21718 02 / C005		P4	
Soil and Water Management Details / 20 21718 01 / C006		P4	
Catchment Plan and OSD Calculations		P2	
Siteworks and Stormwater Drainage Key Plan / 20 21718 01 / C030			
Siteworks and Stormwater Drainage Plan – Sheet 1 / 20 21718 02 / C031			
Siteworks and Stormwater Drainage Plan – Sheet 2 / 20 21718 02 / C032			
Siteworks and Stormwater Drainage Details – Sheet 1 / 20 21718 01 / C050		P4	01/06/2020
Siteworks and Stormwater Drainage Details – Sheet 2 / 20 21718 01 / C051			
Assessment of Potential Land Contamination / SYDGE232020-L02	Coffey	-	04/12/2019
CPTED Report / P0017668	Urbis	Final	06/12/2019
Detailed Site Investigation / GEOTLCOV25554AA-AB	Coffey	V3	29/06/2016
Economic Impact Assessment / P0017668	Urbis	1	04/12/2019
Flood Assessment Report / 2021718-02	Bonacci	-	04/12/2019
Geotechnical Investigation Report / SYDGE232025-AB	Coffey	V01	30/09/2019
Ground Water Monitoring Report / SYDGE232025-AC	Coffey	-	04/12/2019
Heritage Impact Statement / P0017668	Urbis	02	06/12/0019
Interim Validation Report / 754-SYDEN201053-R01	Coffey	V1	04/12/2017
Lighting Assessment / -	Lighting, Art and Science	-	29/11/2019
Noise Impact Assessment / 19333-M	Wilkinson Murray	B	05/03/2020
Remedial Action Plan / GEOTLCOV25554AA-AJ	Coffey	V3	25/10/2016
Section J Report / S4B19003700	Services 4 Buildings	-	04/12/2019
Social Impact Assessment / P0017688	Urbis	Final	06/12/2019
Supplementary Contamination Assessment / GEOTLCOV25554AA-AH	Coffey	-	24/03/2016
Transport Impact Assessment / N128983	GTA Consultants	B	01/06/2020
Waste Management Plan / 610.16491-R04	SLR Consulting	v3.0	03/12/2019

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

3. **DAGCA05 - 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)

4. **DAGCA08 - 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)

5. **DAGCB01- 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)

6. **DAGCB02 - Food Premises - Design, Construction and Fitout of Food Premises**

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

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.

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

7. **DAGCB03 - 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)

8. **DAGCB06 - Telecommunications/ TV Antennae**

No more than one telecommunications/TV antenna is to be installed to each building.

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

9. **DAGCB07 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

10. **DAGCD02 - General standards for Warm Water and Cooling Water Systems**

All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2012, and relevant parts of AS 3666 Air handling and water systems of buildings - Microbial control.

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

11. **DAGCD05 - Liquid Trade Waste**

The food premises must comply with the following standards:

(a) Liquid trade waste materials are to be disposed of in accordance with the requirements of

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

(Reason: To ensure that liquid trade waste is suitably disposed of and does not affect the environment or food safety)

12. DAGCD06 - 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)

13. DAGCD07 - Waste Management

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

(Reason: Compliance with approval)

14. DAGCZ01 – Bulk Fuel Storage

No approval is granted or implied for a bulk fuel storage chamber. Separate development consent is required.

(Reason: Environmental protection)

15. DAGCZ02 – Surface Runoff

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

(Reason: To prevent adverse impacts on adjoining properties)

16. DAGCZ03 – Sediment Control

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

(Reason: to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring)

17. DAGCZ04 – Service Relocation / Adjustment

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

(Reason: To protect utility services)

18. DAGCZ05 – Bond Positive Covenant

The applicant shall lodge with Council a cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.

(Reason: To ensure Positive Covenant and Restriction as to User documents are registered)

19. DAGCZ06 – Roller Shutters

No roller shutters are to be erected either externally or internally to the commercial frontage. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

(Reason: To protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises)

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

20. DAPDB01 – Construction Certificate – Prior to the Commencement of any Demolition Works

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is “commencement of building work” pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

Note: This only applies to demolition work associated with an altered portion or an extension to an existing building and does not apply to demolition works prior to a new development/build, as demolition may occur prior to a Construction Certificate being issued.

(Reason; Statutory Requirement)

21. DAPDB02 – Demolition – General

Demolition – General

- (a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - Copies of the demolisher’s current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- (b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- (c) Demolition works are restricted as follows:
 - Monday to Saturday inclusive – 7:00am – 5:00pm
 - Sundays and Public Holidays – No work
- (d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover’s Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information:

www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist:

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

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

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice – How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice – How to Manage and Control Asbestos in the Workplace; and

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

22. DAPDB03 – Demolition – Asbestos

Asbestos to be removed by a licensed asbestos removalist

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m² or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

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

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC: 2018(2005)]
- NSW Government WorkCover Code of Practice – How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice – How to Manage and Control Asbestos in the Workplace.

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

23. DAPDB04 – Asbestos Clearance Certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

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

24. DAPDB05 – Notification of Asbestos Removal Works

At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

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

25. DAPDB06 – Barricades for Asbestos Removal

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

26. DAPDB08 – Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works.

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

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

27. DAPDB09 – Tree Preservation

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained and protected in accordance with AS 4970 – 2009 'Protection of Trees on

Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

28. DAPDB10 – Demolition, Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

29. DAPDB12 – Sediment and Erosion Control measures

Prior to the commencement of any works, temporary sediment and erosion control measures are to be installed in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines and maintained during the demolition, excavation and construction phase of the project to the satisfaction of Council and the Principal Certifier. The following measures should be included:-

- (a) A stabilised dish shaped diversion drain or similar structure constructed above the proposed building works to divert overland run-off to a stabilised discharge area such as dense ground cover or turf;
- (b) Sediment-trapping fencing using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area;
- (c) Vegetation and areas not affected by the construction are to remain undisturbed;
- (d) Provision of one designated point for vehicular access which is adequately covered at all times with blue metal or the like to prevent mud and dirt leaving the site and being deposited on the street. Wheel wash/shakers may be required for extensive construction works;
- (e) Building operations such as brick cutting, washing tools or brushes and mixing mortar must not be carried out on public roadways or footway areas;
- (f) Stockpiles such as 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; and
- (g) Gutters, downpipes and the connection of downpipes to the stormwater disposal system must be complete prior to the fixing of the roof cladding.

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

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

30. DACCA01 – Amendments to Approved Plans

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- (a) Visible light reflectivity from building materials used on the facades shall not exceed 20%.

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

31. DACCA02 – Application for a Construction Certificate

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

(Reason: Statutory requirement)

32. 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 for the construction certificate.

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

33. DACCA04 – Works within Boundary

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

(Reason: To ensure protection of adjoining properties)

34. DACCB01 – Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

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

(Reason: To protect Council infrastructure)

35. DACCB02 – Payment of Bonds, Fees and Long Service Levy

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

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

36. DACCB04 – Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Auburn Development Contributions Plan 2007, is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Auburn Development Contributions Plan 2007 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

37. DACCB05 – Fees to be paid to Council prior to issue of the Construction Certificate

Damage Deposit	\$6,470.00
Sect. 7.12 Contributions	\$678,509.13 + CPI
Cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. (This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.)	\$6,290.00
Traffic Management Plan	\$211.50
Infrastructure Inspection	\$246.00
TOTAL	\$691,726.63 + CPI where applicable

Please note that other fees and charges may be applicable to the proposal, and the total fees calculated at the time of payment may exceed the figures detailed above. Further, fees to be paid to Council will be determined at the time of payment in accordance with Council's current adopted Fees and Charges Policy and therefore may exceed the fee amount quoted above.

(Reason: Statutory requirement and information)

NOTE: COVID-19 Response Measures: Infrastructure Contributions - Timing of Payment

A monetary contribution that is required to be paid under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided below.

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

The above does not prevent the entry into an arrangement with the Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the [Auburn Development Contributions Plan 2007](#).

(Reason: To comply with Ministerial Direction with regard to timing of Infrastructure Contributions during COVID-19 period)

38. DACCB06 - Photographic Record of Council Property - Damage Deposit

The applicant shall submit to Council prior to demolition commencing and/or issue of any Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full photographic record of the condition of Council's property (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 property 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 occurred during the course of construction, Council may require either part or full re-instatement.

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)

39. DACCC01 - Footpath Design Levels

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

Commented [WA1]: Edit

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

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

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

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

(Reason: Public infrastructure)

40. 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 building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent to 18-34 John Street, Lidcombe, including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent to 18-34 John Street, Lidcombe, is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "Work - As - Executed" plans. The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

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

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

42. DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

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

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

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

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

43. 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. The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

(Reason: Safety & information)

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

In accordance with Section 138 of the Roads Act 1993 and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

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

(Reason: Protection of Public Assets and information)

45. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited Certifier providing details of the following:

- (a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

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

46. DACCE03 - Construction Traffic Management Plan (CTMP)

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

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

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.

- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) 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)

47. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

48. DACCF04 - On Slab Landscaping

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

(Reason: To ensure the site landscaping thrives)

49. DACCG05 - Off Street Car Parking - General

A minimum of 570 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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

(Reason: Parking and access)

50. DACCG07 - Maintaining Sight Lines

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Safety)

51. DACCG08 - Ramp Width Requirements

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

(Reason: Safety and traffic management)

52. DACCI03 - Substation /Fire Hydrant Boosters

No approval is granted or implied for any encasing structures (i.e., blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

(Reason: Streetscape amenity)

53. DACCI04 - Site Cranes

Site Crane/s and hoist/s proposed within the boundary of the land being developed must comply with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts of these standards.

Cranes must not swing or hoist over any public place unless the principal contractor or owner builder have the relevant approval under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.

(Reason: Safety and statutory compliance)

54. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist" and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

Please note that where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

55. DACCJ03 - Certification of the Stormwater Drainage System Design

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

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

(Reason: Adequate stormwater management)

56. DACCJ04 - Construction or Redirection of a Stormwater Drainage System

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

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

(Reason: Protection of existing drainage infrastructure)

57. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:

(a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, 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 and submitted to the Principal Certifier

prior to the issuing of a Construction Certificate, 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. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.

- (c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should 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 and (where applicable) details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises)

58. 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 (7) 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)

59. DACCK01 - Dilapidation Report

A Dilapidation report should 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 as part of this approved development. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be completed and submitted to the owner/s of the affected property/ies, Council and the Principal certifier prior to undertaking any works that may cause damage. All costs shall be borne by the applicant/person acting on the consent.

The Dilapidation Report is to be prepared by a suitably qualified practising engineer.

Please note:

- (a) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or 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.
- (b) Council will not become directly 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 prior to works commencing on site)

60. DACCK03 - Structural Adequacy of Existing Structure

A Certificate of Structural Adequacy prepared and signed by a qualified practising Structural Engineer with suitable professional indemnity cover must be submitted to the Principal Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of a Construction Certificate.

(Reason: Structural safety)

61. 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 any Construction Certificate application.

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

62. DACCK07 - Structural Engineer's Details

Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Accredited Certifier.

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

63. DACCL01 - Electricity Substation

Documentary evidence of compliance with the relevant energy authority's requirements is to be provided to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: Access to utility)

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

(Reason: Ensure services are not disturbed)

65. 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. Details are to be submitted with the application for a Construction Certificate.

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

66. 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 Noise Impact Assessment prepared by Wilkinson Murray, Reference Number 19333-M, Revision B, dated 05 March 2020, and any subsequent acoustic report submitted in accordance with this consent must be implemented and complied with.

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

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

67. DACCL06 - Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- c) A hot and cold hose cock shall be provided within the room.

A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

68. DACCM01 - Food Premises - Detailed Plans

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards prior to the issue of the Construction Certificate.

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

69. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

70. DACCZ01 – Additional Acoustic Assessment

Prior to the issue of the Construction Certificate, an additional acoustic report must be prepared by a suitably qualified and experienced acoustic consultant* and be submitted to the satisfaction of the appropriate Certifying Authority. The report should consider noise emissions from the development from all proposed mechanical plant and noise generating equipment, including but not limited to air conditioners, mechanical exhaust/ventilation systems, lift motors, cooling towers, and construction noise. The report should be prepared in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (NPII).

*Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the relevant tertiary qualifications and experience to render them eligible to be a Member or Fellow of the Australian Acoustical Society, or a member of the Association of Australian Acoustical Consultants (AAAC).

(Reason: Environmental protection)

71. DACCZ02 – Waste Storage Facilities

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

- (a) Waste storage rooms must be fully enclosed and suitably sized to contain all waste and recyclable material generated by the premises; adequately ventilated; and constructed with a concrete floor and concrete or cement rendered walls;
- (b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- (c) A hot and cold hose cock shall be provided within waste rooms.

A detailed plan showing the design and location of all waste storage facilities must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

72. DACCZ03 – Heavy Rigid Vehicle Waiting Area

A Heavy Rigid Vehicle waiting area shall be provided within the site. A detailed plan shall be submitted to and approved by the Principal Certifying Authority.

(Reason: To prevent any queuing in the street and minimise impact on street traffic.)

73. DACCZ04 – Hydraulic Engineering

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that:

- (a) Development complies with the Council's Flood advice letter.

- (b) The development has no adverse impact on flood levels and/or adjoining properties.

Prior to the issue of any Construction Certificate, the written verification shall be submitted to and approved by Principal Certifying Authority.

(Reason: To ensure construction complies with the flood study)

74. DACCZ05 – Stormwater Disposal

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

- (a) The proposed stormwater system shall be generally in accordance with the approved Stormwater Plans.
- (b) The development has been identified as requiring an On-site Stormwater Detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, approved OSD plan and the Auburn Development Control Plan 2010, shall be submitted to the certifying authority prior to the issue of a Construction Certificate. The following shall also be addressed:
 - (i) Grated pit shall be provided behind the flap at the return pipe.
 - (ii) Emergency Overflow pipe shall be incorporated in the OSD design.
 - (iii) Pool type fencing shall be provided around the OSD basin as per the Auburn Development Control Plan 2010 requirements.
 - (iv) High early discharge control shall be provided as per the Auburn Development Control Plan 2010 requirements.
 - (v) Dry platform and weep hole details shall be clearly shown on the plan.
 - (vi) Discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
 - (vii) Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.

(Reason: To prevent localised flooding)

75. DACCZ06 – On Street Drainage Design

Prior to the issue of any Construction Certificate a detail design for the proposed connection to existing Council's stormwater pipe shall be submitted and approved by Cumberland Council's Manager Engineering and Traffic. In this regard:

- (a) A longitudinal section, of the proposed stormwater outlet from boundary pit showing the depth and location of all the services within the area of the proposed works shall be submitted. Exact depth and location of the services shall be verified by service search. Service search details shall be submitted.
- (b) Exact depth of the outlet pipe in the exiting pit shall be annotated on the plan.
- (c) A standard grated kerb inlet pit/Junction pit shall be constructed at the point of connection as per Council requirements.
- (d) Transport NSW approval is provided, if required.

(Reason: To ensure design is clear of services and connection to Council's stormwater is designed to Council's requirements)

76. DACCZ07 – Parking Layout

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

Copy of the approved plan shall be submitted to Council.

(Reason: To ensure parking layouts comply with Australian Standard AS2890.1 - 2004)

77. DACCZ08 – Minimum Headroom – Adaptable Parking Spaces

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

Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure headroom complies with AS2890.1 - 2004)

78. DACCZ09 – Ramp Gradients

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

Copy of the approved plan shall be submitted to Council.

(Reason: To ensure access ramps comply with AS2890.1 - 2004)

79. DACCZ10 – Headroom Clearance

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

(Reason: To ensure access ramps comply with AS2890.1 - 2004)

80. DACCZ11 – Infrastructure Fee

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

(Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development)

81. DACCZ12 – Lighting Design

The following shall be addressed with the lighting design of commercial portion of the development:

- Lighting shall be designed not to interfere with the amenity of residents or affect the safety of motorists.
- Light spill onto the street, and onto the public domain shall be minimised.
- Adequate lighting shall be provided to minimise shadows and concealment of spaces.
- Under awning lighting shall be provided to facilitate night use and to improve public safety. The lighting shall be recessed into the soffit of the awning, or wall mounted onto the building.
- Soft down lighting is preferred over up lighting to minimise light pollution.
- The lighting design shall be integrated with the interior design. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.
- The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen to produce the highest energy efficiency.
- Surface mounted fluorescent fixtures shall not be used.

Detail shall be submitted to the Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with the Auburn Development Control Plan 2010)

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

82. 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 from a Certifier.
- (b) The person having the benefit of the development consent has:
 - (i) Appointed a principal certifier for the building work, and
 - (ii) Given at least 2 days' notice to the Council, and the principal certifier if not the Council,

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

(Reason: Statutory requirements)

83. DAPCA03 - Site Safety Fencing

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

(Reasons: Statutory requirement and health and safety)

84. DAPCA04 - Principal Certifier Sign

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

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

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

(Reason: Statutory requirement)

85. 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)

86. 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)

87. DAPCA07 - Notice of Requirements from Sydney Water

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

(Reason: To comply with statutory requirements)

88. DAPCC02 - Dewatering (groundwater/water table)

If groundwater is encountered or expected to be encountered during excavation works, the following actions must be taken prior to the commencement of any dewatering activities on site:

- (a) Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request;
- (b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:
 - (i) State why de-watering is necessary and confirm any required approvals;
 - (ii) Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
 - (iii) Detail the proposed de-watering technique;
 - (iv) Outline anticipated dewatering flow rate and total dewatering duration;
 - (v) Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to ensure compliance with conditions of approval and requirements of the Protection of the Environment Operations Act 1997;
 - (vi) 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;
 - (vii) Records are to be kept on site at all times and be available to the appropriate regulatory authority upon request;
 - (viii) Provide a contingency plan in case of emergency situation;
 - (ix) Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;
 - (x) 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;
 - (xi) State that the water quality monitoring will be self-certified by an experienced water quality expert.
 - (xii) State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

89. DAPCZ01 – On Street Drainage Construction

Prior to issue of any Occupation Certificate the street drainage works shall be completed to Council's satisfaction at no cost to Council. In this regard:

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

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

90. DAPCZ03 – Protection of Footpath Paving, Kerb and Gutter

Protection must be provided for Council footpath paving, kerb and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

(Reason: To ensure protection of public asset)

91. DAPCZ04 - Alterations / Removal of Services

The applicant is to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

(Reason: Public utility authority requirement)

Conditions which must be satisfied during any development work

92. DADWA01 - Construction Hours

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

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

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

(Reason: To minimise impacts on neighbouring properties)

93. DADWA02 - Dust Control - Minor Works

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 minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Cumberland Council should it fail to adequately control any dust nuisance.

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

94. 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)

95. DADWA04 - Unexpected find of Acid Sulphate Soils

- (a) Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.
- (b) If an Acid Sulphate Soils management plan is recommended by the suitably qualified environmental consultant, then all recommendations of this plan must be complied with during works.

(Reason: Environmental protection)

96. DADWA05 - Construction Management Plan

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

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

(Reason: Compliance with condition of consent)

97. 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)

98. 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) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) 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 opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) 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.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) 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.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) 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.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

99. DADWA09 - Power Connection - Major Development

All power connection to the development shall be installed underground for all major development.

(Reason: To avoid visual clutter)

100. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

101. 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 also 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)

102. 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.

All fill imported onto the site must be validated by either one or both of the following methods:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

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

103. DADWA16 - Land Remediation (Auditor Engaged)

- (a) All remediation works must be carried out in accordance with the approved Remediation Action Plan (RAP) prepared by Coffey, Reference Number GEOTLCOV25554AA-AJ, Revision V3, dated 25 October 2016.
- (b) If amendments to the approved RAP are required, these must be approved by a suitably qualified environmental consultant and the NSW accredited Site Auditor, and a copy of the amended RAP submitted to the Principal Certifier and Cumberland Council, prior to the commencement of such work.

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

104. DADWA17 - Notification of New Contamination Evidence

- (a) Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland City Council.
- (b) Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.
- (c) Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate must not be issued until a Section A Site Audit Statement has been submitted to Cumberland City Council by the Auditor confirming the site is now suitable for the proposed use.

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

105. DADWA19 - Excavation Pump-out (surface water)

Water that has accumulated in any excavation is not to be pumped or discharged into any stormwater system unless the written approval of Cumberland City Council or the Private Certifier responsible for the work is obtained prior to commencement of the pump out activities. The following details must be outlined in any application to Council/Certifier for discharge to stormwater:

- (a) Identification of the suitably qualified environmental scientist who will carry out water quality testing for the activity.

- (b) Confirmation that the analytical results of any discharge will comply with relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA.
 - (i) Note: Water that does not comply with the above standards must not be discharged to the stormwater system, and shall be disposed of using alternative approved means (other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility).
- (c) Details on the measures and techniques to monitor and record compliance with the above water quality criteria.
- (d) Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge.

Water quality monitoring records are to be kept on site at all times and be available to the appropriate regulatory authority upon request.

(Reason: To minimise/prevent impacts on nearby waterways)

106. DADWA20 - Road and Footpath Opening Permit

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

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

(Reason: Maintain public asset)

107. DADWB02 - Tree Protection

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines/root zone area.

(Reason: Tree preservation)

108. 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)

109. DADWC02 - Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

110. DADWC03 - Progress Survey - Major Development (greater than two stories)

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) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and

- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Accredited 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 reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

111. DADWC06- Air Conditioning Units - Location

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

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

112. 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)

113. DADWC08 - Anti-Graffiti Coatings

The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti)

114. DADWZ01 - Ausgrid

The following Sydney Trains conditions are applicable:

- (a) The design submission must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
- (b) The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
- (c) Ausgrid's Network Standards can be sourced from Ausgrid's website, www.ausgrid.com.au

(Reason: Compliance with conditions of AusGrid)

115. DADWZ02 – Street Trees

Street trees shall be planted at a rate of one (1) tree per 10 lineal metres of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways. Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.

Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.

At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.

Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.

(Reason: To increase planting within the centre)

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

116. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

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

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

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

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

(Reason: Statutory requirement)

117. DAOCA02 - Final Clearance

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

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

118. 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 at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new subdivision with water, wastewater and stormwater facilities).

119. DAOCA04 - Engineers Certificate

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

(Reason: Structural certification)

120. DAOCA05 - Height

The maximum height of the proposed development shall be A.H.D. 22.53m. A survey report is to be provided to the Principal 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 LEP height of buildings development standard)

121. DAOCA07 - Notification of Food Business

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

(Reason: Registration and notification to relevant authorities)

122. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Accredited Certifier.

- (a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the

- appropriate professional category.
- (b) Approved verses installed drainage design - On-site Stormwater Detention (OSD) calculation sheet.
- (c) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.
- (d) Street drainage system and drainage system within the easement shall be incorporated in the "Work – As – Executed" plan.
- (e) Overland flow path and piped overland flow system details shall be shown on the plan.
- (f) Checklists A3, A4 & a5 shall be completed and certified by the practicing hydraulic engineer and registered surveyor.

The abovementioned Certificate is to certify that:

- (i) The stormwater drainage system, and/or
- (ii) The car parking arrangement and area including circulating ramps, and/or
- (iii) Any related footpath works, and/or
- (iv) The basement mechanical pump and well system, and/or
- (v) The proposed driveway and layback, and/or
- (vi) Other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

The above requirements shall be submitted to and approved by Council, prior to Council endorsing the Positive Covenant documents.

(Reason: Asset management)

123. 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)

124. DAOCA11 - Civil Works on the Footway

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

- (a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- (b) Reconstruct existing public drainage pit/pipe system, and/or
- (c) Construct a new vehicular crossing, and/or
- (d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

125. DAOCA12- Construction of Concrete Footpath

A full width concrete footpath shall be constructed to replace the full length adjacent to the front and side of the property, as per Council's requirements, at no cost to Council.

Footpath surface treatment and paving details shall comply with the relevant Council's standards for town centres. Details shall be obtained from Council's Engineering Section

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

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

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

126. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property.

The above works must be programmed and constructed prior to the issuing of any Occupation Certificate.

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

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

127. DAOCA14 - Drainage System - Maintenance of Existing

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the Principal Certifier, (a registered plumber or a person of equivalent or greater experience or qualification) prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows.

(Reason: Maintenance and environment)

128. DAOCB01 - Mechanical Ventilation - Certificate of Completion

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the National Construction Code 2019, must be submitted to the Principal Certifier.

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

129. DAOCB03 - Installation requirements for Water Cooling Systems

Prior to issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the cooling water system is:

- (a) Installed in accordance with AS/NZS 3666.1:2011 with a certificate from the installer;
- (b) All drainage and liquid discharges are to be discharged into a waste water system (Note: discharge to stormwater is not permitted).
- (c) All chemicals associated with the water cooling system are stored in a suitable covered location which will not impact on stormwater systems.
- (d) Is notified to Council.

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

130. 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 Principal Certifier that confirms the following:

- a) All recommendations contained in the Noise Impact Assessment prepared by Wilkinson Murray, Reference Number 19333-M, Revision B, dated 05 March 2020, and any additional acoustic reports submitted in accordance with this consent, have been implemented and complied with, 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 means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To protect residential amenity)

131. DAOCB07 - Site Audit Statement

The Principal Certifier must not issue any Occupation Certificate for the use unless a copy of the Section A Site Audit Statement has been submitted to Council and complies with the following:

- (a) The Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor who has considered all aspects of the site investigation, remediation and validation works.
- (b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan submitted with this application and clearly state that site is suitable for the proposed use.
- (c) Where the Site Audit statement will be subject to conditions that require ongoing review by Cumberland City Council, these must be reviewed and approved in writing by Council before the Site Audit Statement is issued.
- (d) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

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

132. DAOCD01 - Fire Safety Certificate

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

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

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

(Reason: Fire safety)

133. DAOCD02 - Certificate of Test of Mechanical Ventilation

On the satisfactory completion of work and prior to the issue of an Occupation Certificate, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifier from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

134. DAOCF05 - Unpaved Verge Area

The applicant shall construct/reconstruct the unpaved verge area with grass, species and installation approved by Council prior to issue of a Final Occupation Certificate.

(Reason: Environmental protection)

135. DAOCH02 - Covenant & Restriction as to User for Stormwater Controlled Systems

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

Easement Registration

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

(Reason: Compliance and adequate maintenance of drainage system)

136. DAOCH03 - OSD Identification Plate

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

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

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

137. DAOCH09 - Certificate of Compliance

A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifier.

(Reason: Protection of public asset)

138. DAOCZ01 – 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 Principal Certifier that confirms the following:

- (a) All recommendations contained in the Noise Impact Assessment prepared by Wilkinson Murray, Reference Number 19333-M, Revision B, dated 05 March 2020, and any additional acoustic reports submitted in accordance with this consent, have been implemented and complied with; and
- (b) The project specific noise criteria established in the DA acoustic report and any additional acoustic reports submitted in accordance with this consent are being complied with.

*Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the relevant tertiary qualifications and experience to render them eligible to be a Member or Fellow of the Australian Acoustical Society, or a member of the Association of Australian Acoustical Consultants (AAAC).

(Reason: To protect resident amenity)

139. DAOCZ02 – Hydraulic Engineering

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that

- (a) Development complies with the Council's Flood advice letter.
- (b) The development has no adverse impact on flood levels and/or adjoining properties.

Prior to the issue of any Occupation Certificate the written verification shall be submitted to and approved by Principal Certifying Authority

(Reason: To ensure construction complies with the Flood Study)

140. DAOCZ03 – Easement for Existing Council's Stormwater Pipe

Drainage easement shall be created in favour of Council for the existing Council's stormwater system. In this regard:

- (a) Detail survey plan showing the existing Council pipe and proposed easement shall be submitted as part of the easement creation documents for Council's approval.
- (b) Width of the Easement shall comply with Council's Auburn Development Control Plan 2010 requirements.
- (c) Registered copy of the easement shall be submitted to and approved by Council.
- (d) The above shall be carried out at no cost to Council.

(Reason: To ensure an appropriate easement is created for Council for the maintenance of the stormwater asset, and to protect Council's asset)

141. DAOCZ04 – Inter Allotment Drainage Easement for Stormwater Disposal

A drainage easement shall be created in favour of subject site for the proposed stormwater pipes and On-Site Stormwater detention (OSD) basin within the downstream lots. In this regard:

- (a) Transfer Granting Easement document(s) and plans shall be submitted to Council for approval and then registered with the Land and Property Information.
- (b) Cumberland City Council shall be nominated as authority to vary or modify the easement/s in all the Transfer Granting Easement documents.

Registered copy of Transfer granting easement document(s) shall be submitted to and approved by Cumberland Council.

(Reason: To ensure an appropriate easement is created to drain the stormwater from the development,

by gravity)

142. DAOCZ05 – Structural Engineering Certificate

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the "Works – As – Executed" plans.

(Reason: To ensure the construction is structurally adequate)

143. DAOCZ06 – Maintenance Schedule

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed On-site Stormwater Detention facility shall be submitted to Council for approval with the stormwater "Works – As – Executed" plans. This maintenance schedule shall be registered as part of the positive covenant.

(Reason: To ensure the On-site Stormwater Detention facility is in good working order)

144. DAOCZ07 – Reverse Manoeuvring for Temporary Loading Area

Reverse manoeuvring of trucks shall be limited to 2.0m north of existing basement car park exit. Detail plan showing the manoeuvring area shall be maintained at the site.

Convex mirrors shall be provided to improve the sight distance.

Traffic controller shall be on duty during the reverse manoeuvrings to ensure the safety.

Operational management plan shall be prepared by suitably qualified person. The management plan shall also incorporate the all the above matters also. The Operational Management Plan shall be prepared by suitably qualified traffic engineer.

Clear marking shall be provided at the end of Board Street to define the boundary between Board Street and subject site.

The Operational Management Plan shall be submitted to and approved by Principal Certifying Authority.

(Reason: To minimise any adverse impact on public land during the reverse manoeuvring)

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

145. DAOUA06 - Trading Outside the Building

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity)

146. DAOUA08 - Waste & Recycling Collection

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside as soon as practicable and returned to the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

147. DAOUA09 - Business/Trade Commercial Waste Collection

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

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables)

148. DAOUA10 - Removal of Litter and Graffiti

In addition to Council's street sweeping and cleansing operations, 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 also be responsible for the prompt removal of any graffiti from the building.

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

149. DAOUA11 - Flashing Lights

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

(Reason: Environmental protection)

150. DAOUA14 - Hours of Business Operation

The hours of operation are restricted to between:

- (a) 10.00am to 4.00am Sunday to Thursday; and
- (b) 10.00am to 6.00am Friday and Saturday.

(Reason: Ensure business operates between approved hours)

151. 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 strictly prohibited.

(Reason: Environmental amenity)

152. DAOUA20 - Loading

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

(Reason: Adequate servicing)

153. DAOUB01 - Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

154. DAOUC02 - Control of Litter

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

(Reason: Environmental health)

155. DAOUC03 - Microbial Control

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

- (a) Public Health Act 2010 and Public Health Regulation 2012;
- (b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
- (c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety)

156. DAOUC04 - Air Emissions

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

(Reason: To protect human health and the environment)

157. DAOUC11 - Cooling Water System - Risk Assessment Required

- (a) A risk assessment of all cooling water systems installed at the premises must be undertaken by, or under the supervision of, a competent person before the system commences operating. The assessment must be undertaken in accordance with the requirements of the Public Health Act 2010, Public Health Regulation 2012, AS 3666 Air handling and water systems of buildings - Microbial control, and any relevant guidelines published by NSW Health.
- (b) The risk assessment must be in the form approved by NSW Health, and a copy of the Risk Management Plan Certificate must be submitted to Council along with the registration form within 7 days of receipt by the occupier.

(Reason: To ensure controls are in place for infection control)

158. DAOUC14 - General Noise Emission Criteria

- (a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
- (b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
- (c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.

Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity)

159. DAOUC16 - Entertainment Noise Emission Criteria

Noise from entertainment sources at the premises (music and patrons) must comply with the following:

- (a) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is

not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.

- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.

The LA10, 15 minute noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics - Description and measurement of environmental noise. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the processes listed in the NSW Noise Policy for Industry (2017) and relevant requirements of AS1055.1997.

(Reason: To protect residential amenity)DAOUC16 - Entertainment Noise Emission

160. DAOUC19- Waste Management Plan

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

(Reason: To protect the environment)

161. DAOUC23 - Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the Noise Impact Assessment prepared by Wilkinson Murray, Reference Number 19333-M, Revision B, dated 05 March 2020, and any subsequent acoustic report submitted in accordance with this consent relating to use and/or management of the site must be implemented and com.

(Reason: to ensure acoustic impacts of the development are controlled.)

162. DAOUC24 - Charcoal and Solid Fuel Cooking Prohibited

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

(Reason: To manage odours and safety)

163. DAOUE03 - Parking

At least 570 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

164. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

165. DAOUF01 - Bottle, Can or Garbage Disposal

No bottle, can or garbage disposal shall take place between the hours of 8.00pm and 7.00am daily.

(Reason: Disturbance and public interest)

166. DAOUF02 - Control of Noise

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

(Reason: Public interest)

167. DAOUF03- Glass or Open Containers

No person shall be permitted to take glasses or open containers of liquor off the licensed premises when leaving. In particular, patrons shall not be permitted to drink on the footpath outside the premises. Any patron not complying with a direction to move inside the premises shall be refused further service.

(Reason: Safety/litter)

168. DAOUF04 - Harm Minimisation Principles

The licensee shall comply with the Harm Minimisation Principles and any Industry Code(s) of Practice in relation to the responsible serving of alcohol. Any employee shall undergo necessary training to satisfy current requirements.

(Reason: Public responsibility)

169. DAOUF05 - Patron Behaviour - Security Staff

The Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, Management is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner. The Management will employ private security staff to ensure that this condition is complied with to the satisfaction of Council.

(Reason: Amenity, health and safety)

170. DAOUF06 - Protection of Neighbour Amenity at Closing

An announcement shall be made at the cessation of the entertainment that patrons shall leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

(Reason: Public interest)

171. DAOUF07 - Security Management Plan

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

(Reason: Amenity, health and safety)

172. DAOUZ01 – Annual Maintenance Inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner.

(Reason: To ensure the On-site Stormwater Detention facility is in good working order)

173. DAOUZ02 – Board Street Signage Modifications (Prior to Use of Temporary Loading Area)

Board Street parking signs shall be replaced as approved by Council (ITEM ECTC-20-171) at no cost to Council.

Note: Sign replacement can be activated after the demolition of building as per the Council approval.

(Reason: To minimise the impact on street traffic)

174. DAOUZ03 – Reverse Manoeuvring Operational Requirements (During the Ongoing Use of the Development)

The operation management Plan shall be in force all the time. The copy of the management plan shall be kept at the site all the time.

Clear marking shall be provided at the end of Board Street to define the boundary between Board Street and subject site.

(Reason: To ensure operational management plan is implemented)

Advisory Notes

175. 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 please, contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



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

177. DAANN03 - Dividing Fences

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

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

If there is a neighbour dispute about the boundary fence, the Community Justice Centre (CJC) can provide mediation. See the CJC website for more information - cjc.justice.nsw.gov.au

178. DAANN05 - Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses 5 years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within 5 years from the date this Development Consent operates.

179. DAANN08 - Process for Modification

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

180. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of 12 months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after 12 months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed

timeframe including the statutory requirement for public notification. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for such a review.

181. 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 12 months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

182. DAANN11 - Signage Approval

A separate development application for any proposed external signs must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signage which is 'Exempt Development'.

183. DAANN12 - Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

184. DAANN13 - Work Health and Safety

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

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

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

186. DAANN17 - Critical Stage Inspections - General

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

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

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

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

(Reason: Statutory requirement)

187. DAANN20 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) Prior to covering any stormwater drainage connections; and
- b) After the building work has been completed and prior to any occupation certificate being

issued in relation to the building;

c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

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.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)