

Application No:	DA2024/0540
Applicant:	C Furnass Level 3 5 Rider Boulevard RHODES NSW 2138
Property Description:	86-94 Kingsland Road and 61 Regent Street, Regents Park Lot 1 DP 1212346 & Lot 1 DP 610040.
Development:	Demolition of two existing buildings, tree removal, staged construction of a two storey administration building for Regents Park Christian School including a new 11 space car parking area.
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions.

- DAGCA01- General**
 This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.

 (Reason: Advisory)
- DAGCA02 - Approved Plans and Supporting Documents**
 The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Architectural plans, Job Number RPC0103:			
DA-000, Issue 01	Cover Sheet and Location Plan	Paynter Dixon	19/09/2024
DA-001, Issue 02	Proposed Site Plan		19/12/2024
DA-010, Issue 02	Demolition Plan		22/01/2025
DA-100, Issue 02	Proposed Ground Floor Plan		22/01/2025
DA-101, Issue 02	Proposed First Floor Plan – Stage 1		22/01/2025
DA-102, Issue 02	Proposed First Floor Plan – Stage 2		22/01/2025
DA-103, Issue 02	Proposed Roof Plan- Stage 1		22/01/2025
DA-104, Issue 02	Proposed Roof Plan- Stage 2		22/01/2025
DA-105, Issue 02	Proposed Car Park Setout Plan		19/12/2024
DA-200, Issue 01	Proposed Elevations - Sheet 1		19/09/2024
DA-201, Issue 01	Proposed Elevations – Sheet 2		19/09/2024
DA-202, Issue 01	Proposed Elevations – Sheet 3		19/09/2024
DA-203, Issue 01	Proposed Elevations – Sheet 4		19/09/2024
DA-205, Issue 01	External Finishes		19/09/2024
DA-300, Issue 01	Sections 1- Stage 1		19/09/2024
DA-301, Issue 01	Sections 2- Stage 2		19/09/2024
DA110, Issue 01	Proposed Walkway Link Bridge Details		19/03/2025
Landscape Plans, Job Number LPDA 24-154			
LP-Title, Issue F	Hardscape Plan	Concept	29-01-2025
LP-01, Issue F	Hardscape Plan		29-01-2025

LP-02, Issue F	Landscape Plan	Landscape Architects	29-01-2025
LP-03, Issue F	Details	Architects	29-01-2025
Stormwater Plans, Job Number 231868-TTW-00-DR-CI			
00011, Issue I	General Site works and Stormwater Drainage	TTW Structural Civil	06/03/2025
04041, Issue E	Stormwater Details		21/01/2025
00002, Issue D	General Notes		21/01/2025
04001, Issue D	Stormwater Notes and Legend		21/01/2025
Other Documents			
-	Waste Management Plan	Paynter Dixon	25/09/2024
Project No. 240012, Rev B	Noise Impact Assessment	JHA	09/05/2024
-	Arboricultural Impact Assessment	Lee Hancock Consulting Arborist	05/09/2024
Project No. 225848.0, Rev 0	Geotechnical Investigation Report	Douglas Partners	25/01/2024
Project No. 225848.00, Rev 0	Preliminary Site Investigation Report	Douglas Partners	25/01/2024
Ref: P2410712JR01V01, Issue 2	Detailed Site Investigation Report	Martens & Associates Pty Ltd	04/02/2025
Ref: MP40-09-2522/HMS1/v1.Final	Hazardous material Survey Report	McCaskill Parry Consulting	23/02/2024
Ref: P004065.1, Issue 1	NCC 2022 Volume 1 Section J DTS Assessment	Aspire Sustainability Consulting	20/06/2024
Job No: 223257	Statement of Compliance Access for People with a Disability	Accessible Building Solutions	21/05/2024
-	Ausgrid Letter Response Letter and all conditions contained therein.	Ausgrid	28/11/2024
-	Sydney Water Response Letter and all conditions contained therein.	Sydney Water	28/11/2024

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

3. DAGCZ01 - 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)

4. DAGCZ02 - Staging of construction works

The development shall be completed in stages, in accordance with the endorsed Staging Plan, as listed within Condition No. 2, from the date of this development consent, unless otherwise submitted to and approved by the Cumberland City Council.

(Reason: To confirm and clarify the terms of this development consent)

5. DAGCZ03 - Staging requirements

Unless otherwise specified, the conditions contained within this development consent shall apply separately and individually to each and every single stage of the development. In this regard, all construction works are to be completed in accordance with the endorsed Staging Plan, unless otherwise submitted to and approved by the Cumberland City Council.

For the avoidance of doubt, the following works are to be provided for each stage:

STAGE	WORKS
1	The construction of the building, the ground level carpark works and the fit out of the ground floor and the first floor uniform shop as well as the installation of the lift to service the first floor uniform shop.
2	The fitout of the remainder of level one, the extension of the lift and an associated lift overrun to service the rooftop common open space area as well as associated stairs, the provision of a walkway to the west and the use of the roof as an outdoor play area.

(Reason: To ensure essential services and facilities are available to the site to facilitate subsequent stages)

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

6. DAPDB02 - Notice of Demolition

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

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

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

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

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

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

7. DADWD02 - Demolition - Asbestos

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

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

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

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

Re-occupation of a workplace must not occur until following the completion of asbestos removal work

until a Licensed Asbestos Assessor or Competent Person independent from the asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

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

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

8. DAPDB09 - Tree Preservation

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

(Reason: Tree Preservation and Protection)

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

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

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

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

(Reason: Environmental and residential protection)

10. DAPDB12 - Sediment and Erosion Control measures

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

- a) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- b) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.
- c) Restricting vehicle access to one designated point.

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

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

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

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

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

- a) The roof top terrace shall be provided with 1.5m high privacy screen along the northern elevation such that it does not provide any overlooking into the adjoining properties.
- b) The outdoor cafeteria seating area on the first floor shall be provided with 1.5m high privacy screen along the northern elevation such that it does not provide any overlooking into the adjoining properties.

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

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

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

(Reason: Statutory requirement)

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

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

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

14. **DACCA04 - Works within Boundary**

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

(Reason: To ensure protection of adjoining properties)

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

A damage deposit of \$7,710.00 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

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

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

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

17. **DACCB04 - Section 7.12 Contribution**

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.12 of the *Environmental Planning and Assessment Act 1979* and *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at \$157,902.00 at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

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

18. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	\$7,170.00	Prior to CC
Sect. 7.12 Contributions	\$157,902.00 + CPI	Prior to CC
Kerb Crossing Bond (related to Driveways)	\$6,700.00	Prior to CC
Cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system. Note: 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.	\$7,700.00	Prior to CC
TOTAL	\$179,472 + CPI where applicable	

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

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

(Reason: Statutory requirement and information)

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

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

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

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

(Reason: Maintain public assets)

20. DACCC02 - Protection of Public Places

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

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

(Reason: Public safety)

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

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

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

(Reason: Protection of Public Assets and information)

22. DACCE02 - Construction Management Plan

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

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

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

23. DACCE03 - Construction Traffic Management Plan (CTMP)

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

The following matters must be addressed in the CTMP:

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

(Reason: Traffic safety and amenity during construction phase)

24. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

25. DACCF04 - On Slab Landscaping

Any on slab landscaping is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition. (Reason: To ensure the site landscaping thrives)

26. DACCG05 - Off Street Car Parking - General

A minimum of 48 off-street car parking spaces (within the Regent Street frontage), suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

27. DACCG09 - Speed Hump and Stop Sign on Exit

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be setback 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of Australian Standard 2890.1:2004. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management)

28. DACCG11 - Stop Signs

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

(Reason: Adequate access and egress)

29. 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)

30. DACCI04- Site Cranes

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

(Reason: Safety and statutory compliance)

31. DACCJ01 - Detailed Stormwater Drainage System Design

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

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

(Reason: Stormwater management)

32. DACCJ03 - Certification of the Stormwater Drainage System Design

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

(Reason: Adequate stormwater management)

33. **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 unless so shown on approved development application plans.
(Reason: Adequate stormwater management)
34. **DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development**
Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven days' written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

(Reason: To ensure the support for neighbouring buildings)
35. **DACCK06 - Retaining Walls**
Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with the Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)
36. **DACCK07 - Structural Engineer's Details**
Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted with the Construction Certificate application to the Council or registered certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)
37. **DACCL01 - Electricity Substation**
Documentary evidence of compliance with the relevant energy authority's requirements is to be provided to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Access to utility)
38. **DACCL02 - Telecommunications**
If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to Council or registered certifier prior to the issue of a Construction Certificate, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)
39. **DACCL03 - Adjustment to Telecommunications**
The arrangements and costs associated with any adjustment / relocation of telecommunications infrastructure shall be borne in full by the applicant / developer.

(Reason: Ensure the applicant is responsible for costs associated with adjustments)
40. **DACCL05 - Compliance with Acoustic Report**
Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by JHA services with reference 240012 dated 9 May 2024.

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

41. 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 Council or the registered certifier as being compliant with the required standards prior to the issue of the Construction Certificate.

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

42. DACCM02 - Food Premises - Waste Storage Area

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

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

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

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

43. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

44. DACCO08- Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow to existing Council's pit in Regent Street, Regents Park, generally in accordance with the drawing Nos. 231868 TTW 00 DR CI 00011, Issue I subject to the following amendments:

- a) The detail design shall be approved as part of "Application for Assessment and Approval of Street drainage / Public Domain Design Plans".
- b) Proposed pit at the street gutter shall be modified as grated kerb inlet pit.

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

45. DACCZ01 - Detailed Site Investigation

All recommendations of the Detailed Site Investigation prepared by Martens with reference NoP2410712JR01V01 dated February 2025 must be implemented.

46. DACCZ02 - Connection to Council's stormwater system - design

The design for the Connection to Council's stormwater pipe system shall be designed in Consultation with Council's Stormwater and Flood Management Planner. In this regard,

- a) Existing Council's stormwater pit and pipes shall be annotated on the plans.
- b) Proposed V grate surface inlet pit shall be modified as grated kerb inlet pit.
- c) Longitudinal section of the existing/proposed stormwater pipes and the stormwater connection details to the existing stormwater pipe within the Council land, showing the exact depth and location of all the services within the area of the proposed works shall be submitted.
- d) Service search details shall be submitted.
- e) Depth of the Council pipe shall be verified and annotated on the plan.

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

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

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

47. DACCZ03- Amended Stormwater plans

The Onsite Stormwater Detention (OSD) design shall be modified to address the following:

- a) OSD shall be designed for submerged condition. Surface level of the proposed pit at the street gutter shall be used in the OSD calculation.
- b) Updated OSD calculation sheet shall be submitted.
- c) Council approved street drainage design shall be incorporated in the design.

Amended stormwater plans showing the compliance of above requirements shall be submitted to and approved by Cumberland Council's Executive Manager City Planning and Development.

(Reason: to ensure OSD design complies with Council's DCP requirements.)

48. DACCZ04 - Council approval for the modification to Council's stormwater system design

Council approved detail design for the proposed modification to Council's stormwater system shall be submitted to Registered Certifier.

(Reason: to ensure approval for the modification to Council's stormwater pipes system is obtained.)

49. DACCZ04 - Parking layout

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing all necessary dimension shall be submitted to and approved by the Principal Certifying Authority.

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

50. DACCZ06 – Construction Staging Plan

A Construction Staging Plan (written and diagrammatic) shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate in order to demonstrate that works will not have any impact on students and/or school functions. The construction staging plan shall also include indicative dates and times when works are likely to occur, and whether relocation of students to an alternative premises during construction works is necessary.

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

51. DAPCA01 - Appointment of Principal Certifier

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

- a) A Construction Certificate for the building work has been obtained.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council,

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

(Reason: Statutory requirements)

52. DAPCA03 - Site Safety Fencing

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

(Reason: Statutory requirement and health and safety)

53. DAPCA04 - Principal Certifier Sign

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

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

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

(Reason: Statutory requirement)

54. 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)

55. 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)

56. DAPCB03 - Protection of Landscape Features

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

Species	Location	TPZ(M)
Lagerstroemia indica (T2)	Northern boundary	2

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

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

(Reason: Protection of trees to be retained)

57. DAPCZ01 - Drainage construction - Council's drainage (Except Demolition Works)

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

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

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

Conditions which must be satisfied during any development work

58. DADWA01 - Construction Hours

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

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

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

(Reason: To minimise impacts on neighbouring properties)

59. DADWA02 - Dust Control

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

- a) Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
 - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
 - Dust must be suppressed by means of a fine water spray. Water used for dust suppression

- must not be contaminated or allowed to enter the stormwater system.
- Soil and material stockpiles are to be kept damp or covered.
- Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
- Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

60. 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)

61. DADWA04 - Acid Sulphate Soils

Any excavation works carried out on site shall be closely monitored to ensure no signs of potential or actual acid sulfate soil 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 shall stop immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist shall be contracted to further assess the site.

(Reason: Environmental protection)

62. DADWA05 - Construction Management Plan

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

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

(Reason: Compliance with condition of consent)

63. 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)

64. 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 single entrance is permitted to service the site for demolition and construction.
- Care must be taken during demolition/ excavation and construction to prevent any damage to adjoining buildings.
- 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.
- Any demolition and excess construction materials are to be recycled wherever practicable.
- The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- 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 removed from the site shall be disposed of to an authorised waste disposal facility.
- All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
- 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.
- Any materials stored on site must be stored out of view or in such a manner so as not to cause

- unsightliness when viewed from nearby lands or roadways.
- k) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

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

65. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

66. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

67. DADWA13 - Compliance with Hazardous Materials Survey Report

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

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

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

68. DADWA14 - Classification of Waste

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

(Reason: Environmental protection)

69. DADWA15- Importation of Fill

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

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

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

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

70. DADWA17 - Notification of New Contamination Evidence

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

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 Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made

suitable for the approved use in light of the new information.

Where a NSW accredited Site Auditor is engaged 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 Council by the Auditor confirming the site is now suitable for the proposed use.

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

71. DADWA20 - Road and Footpath Opening Permit

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

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

(Reason: Maintain public asset)

72. DADWB02 - Tree Protection

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

(Reason: Tree preservation)

73. DADWB08 - Removal of Trees

The following trees are approved for removal:

Species	Location
Banksia integrifolia (T1)	Within subject site
Melaleuca viminalis x4 (T3-7)	Within subject site
Murraya paniculata (T8)	Within subject site
Acer palmatum (T9)	Within subject site
Melaleuca citrinus (T10)	Within subject site
Melaleuca bracteata (T11)	Within subject site
Xanthostemon chrysanthus (T12)	Within subject site
Syzygium spp. X2(T13,T18)	Within subject site
Melaleuca Bracteata 'Revolution (T14)	Within subject site
Eucalyptus Punctata (T16)	Within subject site
Eucalyptus leucoxylon (T17)	Within subject site

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

74. 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)

75. DADWC02 - Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

76. DADWC03 - Progress Survey

In order to ensure compliance with approved plans, a survey certificate, prepared to Australian Height

Datum, shall be prepared by a Registered Surveyor showing the following:

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

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

(Reason: To ensure compliance with approved plans)

77. 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)

78. DADWC10 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

79. DADWC12 - Food Premises - Design, Construction and Fitout of Food Premises

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

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

80. DADWC13 - Lighting

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

(Reason: Protect amenity of surrounding area)

81. DADWC14 - Liquid Trade Waste

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

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

82. DADWC15 - Mechanical Ventilation

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

(Reason: To ensure compliance with ventilation standards)

83. DADWC16 - Waste Management

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

(Reason: Compliance with approval)

84. DADWC19 - Sediment and Erosion Control measures

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

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

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

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

85. DADWD03 - Critical Stage Inspections - General

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

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

(Reason: Statutory requirement)

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

The following critical stage inspections must be carried out:

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

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

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

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

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

(Reason: Statutory requirement)

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

87. DAOCA01 - Occupation Certificate

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

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

(Reason: Statutory requirement)

88. DAOCA02 - Final Clearance

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

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

89. DAOCA03 - S73 Compliance Certificate

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

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

90. DAOCA04 - Structural Engineer's Certificate

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

(Reason: Structural certification)

91. 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.

(Reason: Registration and notification to relevant authorities)

92. DAOCA08 - Certification of Engineering Works

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

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

- any basement mechanical pump; and
- the proposed driveway and layback.

(Reason: Asset management)

93. 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:

- reconstruct sections of cracked or defective footpath along the full frontage of the site;
- reconstruct the existing public drainage pit/pipe system;
- construct a new vehicular crossing;
- 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)

94. DAOCB01 - Mechanical Ventilation - Compliance

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

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

95. DAOCB04 - Acoustic Verification Report

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

- All recommendations contained in the DA acoustic report prepared by JHA services with reference 240012 dated 9 May 2024 have been implemented, and
- The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

(Reason: To protect residential amenity)

96. DAOCD01 - Fire Safety Certificate

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

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

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

(Reason: Fire safety)

97. DAOCF01 - Landscape Works

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

(Reason: Landscape certification)

98. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

99. DAOCG01 - Certification of the Constructed Stormwater Drainage System

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

(Reason: Adequate stormwater management)

100. DAOCH03 - OSD Identification Plate

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

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

101. DAOCH09 - Completion of Public Road Assets

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

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

102. DAOCI03 - Impacts to Council's Drainage Assets

CCTV footage shall be submitted to Council upon completion of construction works to identify whether the Council's stormwater infrastructure has suffered any damage. The footage shall extend 10m upstream and 10m downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage. Any observed or likely damage shall be rectified at full cost by the applicant to the satisfaction of Cumberland Council's Executive Manager Development and Building. Upon Council being satisfied as to the integrity of drainage infrastructure, a clearance letter will be issued.

(Reason: Protection of Council assets)

103. DAOCI12 - Positive Covenant - On Site Detention

A positive covenant shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the on site detention system. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

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

104. DAOCI13 - Restriction of the Use of Land - On Site Detention

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

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

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

105. DAOUA09 - Business/Trade Commercial Waste Collection

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

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

106. DAOUA10 - Removal of Litter and Graffiti

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

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

107. DAOUA14 - Hours of Business Operation

The hours of operation for the first floor outdoor cafeteria seating area and the rooftop terrace are restricted to between:

- 7:00am to 6:00pm time on Mondays to Fridays, excluding public holidays;

(Reason: To minimise amenity impacts for nearby land and to ensure that these areas are only operated in conjunction with the normal school hours)

108. DAOUB01 - Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

109. DAOUC04 - Air Emissions

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

(Reason: To protect human health and the environment)

110. DAOUC14 - General Noise Emission Criteria

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

An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time.

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

(Reason: To protect residential amenity)

111. DAOUC18 - No speakers or Amplified Sound Equipment Outside

Music and other amplified sound played on the roof terrace and cafeteria outdoor areas of the new building shall not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

The noise level output shall not exceed 5dB(A) above the ambient background noise level at the boundary of the nearest noise sensitive receivers. Speakers located within the proposed Administration Building must not be placed so as to direct the playing of music or other amplified sound (PA announcements) towards the adjacent noise sensitive receivers.

(Reason: To protect residential amenity)

112. 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)

113. DAOUC28 - Liquid Trade Waste

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

(Reason: To ensure compliance with health standards)

114. DAOUC30 - Privacy

All privacy measures shall be maintained throughout the lifetime of the development.

(Reason: Privacy)

115. DAOUD02- Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

116. DAOUE03 - Parking

At least 48 car parking spaces (along Regent Street frontage) numbered and line marked in accordance with the approved plans are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

117. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

118. DAOUZ01 - Notification of Food Business

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, the details of the food business, in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements*, clause 4.

Contact Council's Environmental Health team to obtain the Registration form.

(Reason: Registration and notification to relevant authorities)

Advisory Notes

119. DAANN01 - Dial Before You Dig

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

(Reason: Advisory)

120. DAANN02 - Telecommunications Act 1997 (Commonwealth)

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

(Reason: Advisory)

121. DAANN03 - Dividing Fences

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

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

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

(Reason: Advisory)

122. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 or 4.56 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification unless and until a modified consent is issued.

(Reason: Advisory)

123. DAANN09 - Review of Determination

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

(Reason: Advisory)

124. DAANN10 - Right of Appeal

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

(Reason: Advisory)

125. DAANN12 - Works/Construction Zones

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

(Reason: Advisory)

126. DAANN13 - Work Health and Safety

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

(Reason: Advisory)

127. DAANN16 - Compliance with Disability Discrimination Act

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

(Reason: Advisory)

128. DAANN22 - Obtaining a Construction Certificate for Building Work

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

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

(Reason: Information).