

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

Application No:	DA2024/0732
Applicant:	Mr C De Angelis PO Box 5006 KINGSDENE NSW 2118
Property Description:	86-96 Station Street Wentworthville. Lot 101 DP 1262440
Development:	Demolition of existing structures and construction of a part seven (7), part fifteen (15) storey mixed use building comprising a childcare centre catering for 120 children, two commercial units, 59 residential apartments pursuant to State Environmental Planning Policy (Housing) 2021, over basement parking, Torrens title subdivision and associated landscaping and civil works.
Determined by:	Sydney Central City Planning Panel.

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

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
DA0031 Rev G	Subdivision Plan	IDA Design Group	11/09/2025
DA0050 Rev G	Demolition Plan	IDA Design Group	11/09/2025
DA0101 Rev G	Site Plan - Ground	IDA Design Group	11/09/2025
DA0996 Rev G	Basement Level 04	IDA Design Group	11/09/2025
DA0997 Rev G	Basement Level 03	IDA Design Group	11/09/2025
DA0998 Rev G	Basement Level 02	IDA Design Group	11/09/2025
DA0999 Rev G	Basement Level 01	IDA Design Group	11/09/2025
DA1000 Rev G	Ground Floor Plan	IDA Design Group	11/09/2025
DA1001 Rev G	Level 01 Plan	IDA Design Group	11/09/2025
DA1002 Rev G	Level 02 Plan	IDA Design Group	11/09/2025
DA1003 Rev G	Level 03 Plan	IDA Design Group	11/09/2025
DA1004 Rev G	Level 04 Plan	IDA Design Group	11/09/2025
DA1005 Rev G	Level 05 Plan	IDA Design Group	11/09/2025
DA1006 Rev G	Level 06 Plan	IDA Design Group	11/09/2025
DA1007 Rev G	Level 07 Plan	IDA Design Group	11/09/2025
DA1008 Rev G	Level 08 Plan	IDA Design Group	11/09/2025
DA1009 Rev G	Level 09 Plan	IDA Design Group	11/09/2025
DA1010 Rev G	Level 10 Plan	IDA Design Group	11/09/2025
DA1011 Rev G	Level 11 Plan	IDA Design Group	11/09/2025
DA1012 Rev G	Level 12 Plan	IDA Design Group	11/09/2025
DA1013 Rev G	Level 13 Plan	IDA Design Group	11/09/2025

DA1014 Rev G	Level 14 Plan	IDA Design Group	11/09/2025
DA1015 Rev G	Level 15 Plan	IDA Design Group	11/09/2025
DA2001 Rev G	North Elevation	IDA Design Group	11/09/2025
DA2002 Rev G	South Elevation	IDA Design Group	11/09/2025
DA2003 Rev G	West Elevation	IDA Design Group	11/09/2025
DA2004 Rev G	East Elevation	IDA Design Group	11/09/2025
DA2101 Rev G	Section A	IDA Design Group	11/09/2025
DA2102 Rev G	Section B	IDA Design Group	11/09/2025
DA2103 Rev G	Section C	IDA Design Group	11/09/2025
DA2104 Rev G	Section D	IDA Design Group	11/09/2025
DA2105 Rev G	Sections E and F	IDA Design Group	11/09/2025
DA2106 Rev G	Sections G and H	IDA Design Group	11/09/2025
DA6000 Rev G	Door/Window Schedule	IDA Design Group	11/09/2025
Page L-00 Issue D	Title Page	Site Design & Studios	28/05/2025
Page L-01 Issue D	Level G Landscape Plan	Site Design & Studios	28/05/2025
Page L-02 Issue D	Level 1 Landscape Plan	Site Design & Studios	28/05/2025
Page L-03 Issue D	Level 2 Landscape Plan	Site Design & Studios	28/05/2025
Page L-04 Issue D	Level 6 Landscape Plan	Site Design & Studios	28/05/2025
Page L-05 Issue D	Planting Palette	Site Design & Studios	28/05/2025
Page L-06 Issue D	Materials intent images	Site Design & Studios	28/05/2025
Dwg No. 101 Issue D	Stormwater Concept Plan Basement Level 3 Sheet 1 of 2	Telford Civil	26/05/2025
Dwg No. 102 Issue A	Stormwater Concept Plan Basement Level 3 Sheet 2 of 2	Telford Civil	10/09/2024
Dwg No. 103 Issue D	Stormwater Concept Plan Basement Level 2	Telford Civil	26/05/2025
Dwg No. 104 Issue D	Stormwater Concept Plan Basement Level 1	Telford Civil	26/05/2025
Dwg No. 105 Issue D	Stormwater Concept Plan Lower Ground Floor	Telford Civil	26/05/2025
Dwg No. 106 Issue D	Stormwater Concept Plan Ground Floor	Telford Civil	26/05/2025
Dwg No. 107 Issue C	On-site detention details and calculations	Telford Civil	26/05/2025
Dwg No. 108 Issue A	Sediment and erosion control plan & details	Telford Civil	10/09/2024
Dwg No. 109 Issue A	Miscellaneous details sheet	Telford Civil	10/09/2024
Dwg No. 110 Issue A	Hydraulic Grade Line Analysis	Telford Civil	22/05/2025
SYD2023-1141-R001F	Acoustic Assessment DA	Acouras Consultancy	18/07/2025
A242023-R1.3	Access report	Northwest Services	28/05/2025
Cert No. 1766559M	BASIX Certificate	Taylor Smith Consulting	27 September 2024
Project No. -	Preliminary Site	CEC Geotechnical	12/12/2024

ER24037A	Investigation (PSI) Report with Limited Soil Sampling		
Project No. - ER24037A	Geotechnical Investigation Report	CEC Geotechnical	10/11/2023
-	Hazardous Materials Management Plan	ISGS Consulting Group Pty Ltd	21/05/2025
-	Plan of Management and Noise Management	Young Academics	May 2025
WJ809-01F02(REV0)	Pedestrian Wind Environment Statement	Windtech	July 10, 2025
24NL114-WMP1 Issue No. 1	Waste Management Plan	Loka Consulting Engineers Pty Ltd	08/10/2024
	Attachment 1	Sydney Water	4 February 2025
CNR-77882	-	Endeavour Energy	05/02/2025

For comprehension of approved levels, reference has been made to survey plan reference No. 116061 prepared by New South Surveys Pty Ltd dated 08/02/2016.

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

3. **DAGCA13 - Lapsing of Consent**

This consent shall lapse unless building, engineering or construction work is physically commenced within 5 years from the date the consent operates.

(Reason: Advisory)

4. **DAGCF01 - Surface Runoff**

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

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

5. **DAGCF02 - Utility Services**

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

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

6. **DAGCZ01 - Noise Amenity**

In the event of Council receiving justified noise complaints from nearby residential receivers resulting from operation of the premises related to this consent, the site operator shall, at their own expense, engage a suitably qualified acoustic consultant to undertake a noise assessment in accordance with the requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). The assessment must include 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 and make recommendations on how any identified noise impacts can be addressed. These recommendations must then be implemented by the site operator in a timely manner.

(Reason: To protect residential amenity and minimise noise disturbance)

7. **DAGCZ02 - Signage**

This consent does not grant approval to any signage, business indemnification signs or building identification signage. A separate application seeking consent shall be obtained for any signage unless the signs are exempt pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(Reason: To clarify the terms of approval)

8. DAGCZ03 - No Approval for the Use of Each Commercial Tenancy

The development consent does not provide the following:

- a) No approval is given or implied for the use of each commercial tenancy situated on the ground floor of the building. A separate development application or complying development certificate is required for the fit out and use of each of the two tenancies.

(Reason: Information)

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

9. 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)

10. DAPDB08 - Demolition Inspections

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

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

(Reason: To ensure compliance with the relevant legislation)

11. 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)

12. 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 dish shaped diversion drain, or similar structure, shall be constructed upstream of the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) 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.
- c) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having the driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

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

13. DACCA01 - Amendments to Approved Plans

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

- a) Minimum 5 commercial/retail parking spaces shall be provided. Turning area shall be provided at the blind aisle, if the blind aisle is more than 6 parking spaces long as per AS2890.1:2004.
- b) The door openings of the hydrant booster unit shall be clear of the proposed laneway widening.
- c) All glazed balustrades to the balconies shall be obscure or translucent glazing.
- d) A full height fixed louvre shall be placed adjacent to the doors marked 'SLD5' to all the balconies facing east.
- e) A full height fixed louvre to a length of 1.5m shall be placed on the balcony of unit 504.
- f) A Section J - Energy Efficiency report in accordance with the National Construction Code shall be prepared.
- g) The Waste Management Plan referenced in condition 2 and 136 shall be updated to reflect the changes made in 'Basement Level 01' which incorporates waste to be collected onsite.

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

14. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

15. DACCA03 - Disabled Access & Facilities

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

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

16. DACCA04 - Works Within the Boundary

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

(Reason: To ensure protection of adjoining properties)

17. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$8,032.72 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 encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)

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

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

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

19. DACCB03 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution payable is \$1,134,355.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

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

20. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspections x 2	\$604.00	Prior to Demolition
Damage Deposit	\$8,032.72	Prior to Demolition
Sect. 7.11 Contributions	\$1,134,355.00 + CPI	Prior to issue of CC
Construction Traffic Management Plan	\$409.00	Prior to issue of CC
Kerb Crossing Bond (Related to Driveways)	\$6,970.00	Prior to issue of CC
Driveways Inspections	\$881.00	Prior to issue of CC
TOTAL	\$1,151,251.72 + CPI where applicable	

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

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

(Reason: Statutory requirement and information)

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

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

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

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

(Reason: To assist in the appropriate assignment of costs for any damage to Maintain Council public assets)

22. DACCC01 - Footpath and Driveway Design Levels

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

- a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath crosses the driveway.
- b) The levels of the driveway at the property boundary shall incorporate a cross fall equivalent to the general longitudinal grade of the street.
- c) The approved boundary line levels are to be incorporated in plans and submitted for approval under section 138 of the *Roads Act 1993*.

(Reason: To ensure appropriate vehicular access that has regard to prevailing topography and that preserves safe pedestrian access)

23. DACCC02 - Protection or Management of Public Access

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 Road Occupancy Licence by Council.

(Reason: Public safety)

24. 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 designed by a qualified practising professional engineer with Engineers Australia membership for any excavation adjacent to adjoining properties or the road reserve.

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

25. 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)

26. DACCF01 - Canopy Tree/s

To ensure the preservation of the landscape character of the area, the landscape plan submitted with the Construction Certificate application shall incorporate 3 canopy trees, to achieve a minimum 5m height at maturity and located within the council footpath. The trees are to be supplied from a minimum 75litre container and be maintained by the applicant until the fully established.

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

27. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

28. DACCG03 - Off Street Car Parking - Multiple Use Buildings

At least 114 car spaces shall be provided on the development site comprising of at least:

- 77 spaces for residential occupants;
- 10 residential visitor spaces;
- 5 business/commercial/retail premises spaces;
- 22 Centre Based Child Care Facility (12 to be allocated for carers/visitors and 10 for staff)

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

If the development is to be strata subdivided, the car park layout must reflect the above allocation.

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard/New Zealand Standard AS/NZS 2890.1:2004 and be provided on-site in accordance with the approved plans.

The parking bays shall be delineated by line marking.

Visitor spaces shall be clearly line marked and/or signposted and shall only be used by visitors to the site.

The following traffic control measures shall be implemented on site:

- a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: To ensure satisfactory parking and access)

29. DACCG05 - Off Street Car Parking - General

A minimum of 114 off-street car parking spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

30. 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 1.5m from the front boundary. 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)

31. 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)

32. DACCH01 - Translucent Glazing for Privacy in Wet Areas

Translucent glazing must be installed in all bathroom, ensuite and toilet windows.

(Reason: Privacy and amenity)

33. DACCI01 - S7.4 Planning Agreement

In accordance with section 7.7(3) of the *Environmental Planning and Assessment Act 1979*, prior to the release of a Construction Certificate, a planning agreement must be entered into that is consistent with the offer to enter into a planning agreement dated 7 August 2025.

(Reason: To ensure compliance with the terms of the section 7.4 Agreement)

34. DACCI04- Site Cranes

Site crane/s and hoist/s 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 for such under section 68 of the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

35. DACCJ03 - Certification of the Stormwater Drainage System Design

Prior to the issue of a Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and AS/NZS3500.3.

(Reason: Adequate stormwater management)

36. 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 support for neighbouring buildings)

37. DACCK01 - Dilapidation Report

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

consent.

Please note:

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

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

38. DACCK05 - Salinity

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

(Reason: Ensure appropriate construction methods are used)

39. 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)

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 Acouras Consultancy dated 18/07/2025 and referenced SYD2023-1141-R001F.

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

41. 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; and
- c) A hot and cold water 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 Council or registered certifier with the Construction Certificate application.

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

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

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

- a) The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- b) The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material;
- c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- d) A hot and cold water hose cock shall be provided within the room; and

- e) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

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

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

43. 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)

44. 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)

45. 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)

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

The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including *AS1668* and are capable of accommodating any exhaust/ventilation requirements for ground floor commercial units in particular food premises. In the event that a food premises requires a mechanical exhaust system for charcoal

cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary.

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

47. DACCN01 - Housing and Productivity Contribution (HPC)

Before the issue of the Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$541,611.39
Total housing and productivity contribution	\$541,611.39

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

(Reason: To require contributions towards the provision of regional infrastructure)

48. DACCO05- Parking and Access

Parking layouts, driveways, internal ramps, turning areas and parking spaces are to ensure compliance with applicable provisions of AS2890.1 including:

- a) Circulation ramp grades and transitions are to comply with section 2.5.3. A longitudinal section along the steepest side the ramp demonstrating compliance shall be prepared.
- b) Kerbs shall be at least 300mm wide and 150mm high to either side of a ramp.
- c) Pedestrian sight distances are to be provided in accordance with section 3.2.4.
- d) Headroom clearance measured from the floor to the underside of any ceiling, beam, ventilation duct, service conduit, open door or other structure shall a minimum of 2.5m in the location of accessible parking spaces and 2.2m elsewhere.
- e) Directional arrows for internal circulation shall be prominently displayed. The entry/exit driveway shall be line marked.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier.

(Reason: To ensure satisfactory vehicle access and parking)

49. DACCO06 - Basement Pump Out Drainage System

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

- a) The catchment area of the driveway no exceeding 60m².
- b) A sump with dimensions 1m by 1m and depth 300mm.
- c) Provision of tank storage volume based upon the 100 year average recurrence interval storm event for a 90 minute storm duration, with further provision within the car park area to accommodate the 100 year average recurrence interval even based upon a 12 hour storm duration.
- d) Provision of dual submersible pump units where each have a discharge rate equal to the 100 year average recurrence interval for a 5 minute storm duration.
- e) The water level and location for the collection of water, outside of the tank storage. The

collection / storage area may be co-located with car parking and access aisles. Any other use, including storage for units within the building must be located at least 100mm above the water level of the collection area.

- f) Measures to be enacted that immediately alert the owners of the building that a pump failure has occurred, including in scenarios when the building may be unoccupied.

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

50. DACCO07- Splay Corner

No structure or landscaping shall be located within a 4 m x 4 m splay at the corner of Station Street and New Laneway and New Laneway and Station Lane. Plans submitted with the Construction Certificate application are to be consistent with this requirement.

The splay area at the intersection shall be designed allow for the access to Heavy Rigid Vehicle.

(Reason: To ensure acceptable vehicular and pedestrian safety)

51. DACCO08- Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow Council's stormwater pit in Lane Street, generally in accordance with the drawing No. stormwater concept plans 000 issue B, 101 issue D, 102 issue A, 103 to 106 issue D, 107 issue C, 109 issue A and 110 issue A prepared by Telford Civil, subject to the following amendments:

- a) Stormwater plans shall be updated to comply with the approved architectural plans.
- b) Minimum 2.2m headroom shall be provided under the OSD tank. The headroom at 'sag' type grade change shall be measured as per Figure 4.3 of the AS2890.1:2004.
- c) Copy of the registered downstream easements shall be submitted.

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

52. DACCZ01 - Laneway Widening and Station Lane Design

Detail designs for station Lane and laneway widening shall be submitted to and approved by the Cumberland Council's Manager Engineering and Building. In this regard:

- a) Detail design of roads including kerb & gutter and footpath, setting out plans, signposting and design contour plans and street lighting plans shall be submitted for assessment.
- b) Road design shall be updated to facilitate the facilitated the Cumberland Council's waste truck manoeuvring as per the drawing 23-162-05-V2 dated 01. 08. 2025 prepared by Stanbury Traffic Planning.
- c) Construction methodology and construction programme shall be submitted.
- d) Signposting and line marking plans shall be submitted to and approved by Council's Local Traffic Committee.
- e) Written approval from relevant authorities shall be obtained for the street lighting upgrade at the intersection and other required service adjustments.
- f) All the dimensions shall be marked on the plans.
- g) All the costs shall be borne by the applicant.

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

53. DACCZ02 - Access Ramp Crest

The access ramp crest at the basement entry shall be minimum 24.550m AHD. In this regard, supporting documents shall be submitted to and approved by Council or registered certifier.

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

54. DACCZ03 - Median Island Design and Approval by CTC

The existing median island on Station Road shall be extended and/or modified as required as part of

the development, to minimise the impact on street traffic by preventing the right turn access to the laneway. In this regard, detail plan shall be prepared in consultation with Council's Traffic Section for Cumberland Traffic Committee (CTC) consideration. The detail design shall be submitted to CTC for consideration. The CTC decision on this matter shall be submitted to Council or registered certifier.

(Reason: To ensure Median Island design is submitted to CTC and comments are obtained)

55. DACCZ04 - Public Domain Works

Any works on the public domain adjoining the site will require separate approval from Council and should liaise with Council's Engineering and Building Unit and Public Spaces Planning and Design. Prior to the issue of the Construction Certificate, a detailed design shall be prepared in accordance with the requirements of the Wentworthville Town Centre Public Domain.

(Reason: To ensure the design and construction comply with Council's requirements and relevant standards)

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work

56. 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)

57. DAPCA02 - Home Building Compensation Fund

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

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

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council

of the above matters.

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

(Reason: Statutory requirement)

58. 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)

59. 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)

60. 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)

61. 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)

62. DAPCC01 - Salinity

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

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

63. DAPCD02 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

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

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date. When lodging the 'Application for Road Occupancy Licence' fees are payable in accordance with Council's adopted fees and charges.

(Reason: Protection of Public Assets and information)

64. DAPCZ01 - Compliance with Terms of the Voluntary Planning Agreement (VPA)

The developer shall comply in full with the terms as specified in the executed 'Planning Agreement for 86-96 Station Street, Wentworthville'.

(Reason: To comply with the terms of the executed VPA)

Conditions Which Must be Satisfied During any Development Work

65. 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)

66. 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)

67. 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)

68. 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: Safety, amenity and protection of public infrastructure and the environment))

69. 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)

70. DADWA07 - General Site Requirements during Demolition and Construction

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

- a) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath for the full width of the entrance area.
- b) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- c) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- d) Any demolition and excess construction materials are to be recycled wherever practicable.
- e) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- f) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- g) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
- h) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
- i) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- j) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- k) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- l) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

71. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter that detracts from the streetscape)

72. 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 by ISGS Consulting Group Pty Ltd dated 21/05/2025 version 1, 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)

73. 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)

74. 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)

75. DADWA17 - Notification of New Contamination Evidence

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

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

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

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

76. DADWA19 - Excavation Pump-out

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

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

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

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

(Reason: Environmental amenity)

77. 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 of 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)

78. 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)

79. DADWC01 - Obstruction/Temporary Occupation of the Public Road/Footpath Area

The road inclusive of footpath area is not to be occupied by building plant such as cranes and cement trucks, building materials, waste materials, waste bins, toilets and the like unless prior approval for such is obtained from the Council (or in the case of a classified road, from Transport for NSW) in the form of a Road Occupancy Licence.

(Reason: To ensure suitable and safe functioning of public road areas)

80. 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)

81. DADWC03 - Progress Survey - Development Over Two Storeys

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

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

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

(Reason: To ensure compliance with approved plans)

82. DADWC05 - Salinity

The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the Principal Certifier has confirmed that all required construction measures addressing salinity, as required by this consent and the accompanying Construction Certificate, have been carried out.

(Reason: To ensure required construction measures addressing salinity are carried out)

83. 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)

84. DADWC08 - Anti-Graffiti Coatings

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

Reason: To minimise the opportunity for graffiti)

85. 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 prevent encroachment on other land)

86. 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)

87. 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)

88. 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)

89. 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)

90. 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)

91. DADWC20 - Dewatering

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

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

(Reason: To minimise/prevent impacts on waterways)

92. DADWD01 - Notice of Demolition

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

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

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

93. 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)

94. 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)

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

The following critical stage inspections must be carried out:

- a) after the commencement of the excavation for, and before the placement of, the first footing;
- b) prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work;
- c) prior to covering the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;
- d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

(Reason: Statutory requirement)

96. 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 an Occupation Certificate

97. 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)

98. DAOCA03 - Section 73 Compliance Certificate

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

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

99. 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: To ensure the building is constructed in a structurally sound manner)

100. DAOCA06 - Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that 12 units (Units 204, 304, 404,

503, 603, 803, 903, 1003, 1103, 1203, 1303 and 1403) have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(Reason: To ensure the units are constructed in accordance with the required level of adaptability)

101. 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)

102. 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)

103. DAOCA11 - Civil Works on the Footway

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

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

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

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

104. 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)

105. DAOCB04 - Acoustic Verification Report

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

- a) All recommendations contained in the DA acoustic report prepared by Acouras Consultancy dated 18/07/2025 and referenced SYD2023-1141-R001F have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

(Reason: To protect residential amenity)

106. DAOCB06 - Monitoring of Field Parameters

Results of the monitoring of field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council on request throughout the remediation and construction works.

(Reason: To ensure Council is informed as to monitoring of field parameters in the event of an incident)

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

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

- a) Units 205, 206, 207, 208, 305, 306, 307, 308, 701, 702, 703 and 704 must be used for the purpose of affordable housing as defined in clause 13(1) of *State Environmental Planning Policy (Housing) 2021*; and
- b) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.

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

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

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

108. DAOCD01 - Fire Safety Certificate

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

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

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

(Reason: Fire safety)

109. DAOCE02 - Evacuation Plan - Child Care Centres

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

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

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

(Reason: Safety)

110. DAOCF01 - Landscape Works

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

(Reason: Landscape certification)

111. 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)

112. DAOCH13 - Australia Post Guidelines

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

(Reason: To ensure compliance with mail delivery regulations)

113. DAOCH14 - Telecommunications/TV Antennae

No more than one telecommunications/TV antenna is to be installed to the building. Satellite dishes, telecommunications antenna and other ancillary facilities shall be located away from the primary street frontage and incorporated into the overall building design.

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

114. DAOCH12 - 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 consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

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

115. DAOCH13 - 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 consistent with the Council's standard terms as available on Council's website. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

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

116. DAOCH01 - Median Island Construction

The modification to the existing median island in Station Street and associated works shall be completed as approved by the Cumberland Traffic Committee (CTC). All the costs shall be borne by the applicant. In this regard, clearance letter from Council's Manager Engineering and Building shall be obtained.

(Reason: To ensure median island works completed as part of the development at no cost to Council)

117. DAOCH02 - Construction of Concrete Footpath

A concrete footpath shall be constructed to replace existing footpath along the frontage to 86 - 96 Station Street, Wentworthville as per Council's requirements at no cost to Council. Footpath surface treatment and paving details shall comply with relevant Council's standards. Details shall be obtained from Council Engineering Section.

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

Note: The above works will require the submission of an application to Council under s.138 of the Roads Act 1993.

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

118. DAOCZ03 - Land Dedication and Construction of Station Lane and Laneway Widening

A clearance letter shall be obtained from Cumberland Council's Manager Engineering and Building for following:

- a) Construction of Station Lane and laneway widening have been completed to satisfaction of Cumberland Council's Manager Engineering and Building.
- b) Station lane and laneway widening have been dedicated to Council.
- c) Public right of way shall be created over the 4m by 4m splays at the intersections of the Station Lane & laneway and Station Road and laneway have been created. The splay at Station Lane and laneway shall provide the vehicular access.
- d) Appropriate terms, to the satisfaction of Council, shall be incorporated to indemnify Council of the any damaged to structures from water entering from the right of way area.
- e) All the cost associated with the construction of Station Lane, laneway widening and splays including any service adjustments and street lighting shall be borne by the applicant.
- f) The above land dedications shall be at no cost to Council.

(Reason: To ensure construction works and land dedication comply with Council requirements.)

119. DAOCZ04 - Maintenance schedule - OSD

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

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

120. DAOCZ05 - Satisfaction of Terms of Voluntary Planning Agreement

Written correspondence from Council's Executive Manager City Planning and Development is to be obtained and provided to the Principal Certifier prior to the issue of any Occupation Certificate to confirm that the works detailed in the executed 'Planning Agreement for 86-96 Station Street, Wentworthville' have been completed in accordance with the terms of the VPA.

(Reason: To ensure compliance with the terms of the executed VPA)

Conditions Which Must be Satisfied Prior to the Issue of a Subdivision Certificate

121. DASCA04 - Application for Subdivision Certificate

An application for a Subdivision Certificate must be lodged with Council, prior to the issue of the Occupation Certificate.

Note: In accordance with s.6.5(3) of the Environmental Planning and Assessment Act 1979, a certifier that issues a Subdivision Certificate must be Council unless an environmental planning instrument permits a registered certifier to issue a certificate.

(Reason: To comply with statutory requirements)

Conditions Which Must be Satisfied During the Ongoing Use of the Development

122. DAOUA06 - Trading Outside the Building

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

(Reason: Safety and amenity)

123. DAOUA07 - Deliveries

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 6:00am or after 6:00pm on weekdays and before 7:00am or after 6:00pm on Saturday and no deliveries on

Sunday and public holidays.

(Reason: To control noise impacts)

124. 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)

125. 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)

126. DAOUA11 - Flashing Lights

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

(Reason: Environmental protection)

127. DAOUA14 - Hours of Business Operation

The centre based childcare centre hours of operation are restricted to between:

- 7:00am to 6:00pm on Mondays to Fridays, excluding public holidays; and
- Closed Saturdays, Sundays and public holidays.

(Reason: To minimise amenity impacts for nearby land)

128. 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)

129. DAOUA26 - Plan of Management

The centre based childcare centre shall be operated and managed in accordance with the Plan of Management for Young Academics Early Learning Centre (not signed) dated May 2025 and submitted to Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

130. DAOUA30 - Use for Affordable Housing

Units 205, 206, 207, 208, 305, 306, 307, 308, 701, 702, 703 and 704 must be used for the purpose of affordable housing under State Environmental Planning Policy (Housing) 2021 and managed by a registered community housing provider for a period of at least 15 years from the date of the issue of the Occupation Certificate.

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

131. DAOUA33 - Use of the Buildings/Structures

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

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

132. 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)

133. 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)

134. DAOUC15 - Noise - Residential buildings

The air conditioner/s/ mechanical ventilation systems must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am and after 10.00pm on any other day; and
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

135. DAOUC17 - Structure Borne Noise

Structure borne noise emitted from the development must not exceed the following criteria when measured inside any separate sensitive noise receiver at any time:

- a) Residential receivers: LA1, Slow 15 minute $\leq$ LA90, 15 minute + 0 dB(A)
- b) Commercial receivers: LA1, Slow 15 minute $\leq$ LA90, 15 minute + 3 dB(A)

(Reason: To protect residential amenity)

136. DAOUC18 - No speakers or Amplified Sound Equipment Outside

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

137. DAOUC19- Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan prepared by Loka Consulting Engineers Pty Ltd, dated 08/10/2024, reference 24NL114-WMP1 Issue No. 1. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

138. 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)

139. 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)

140. DAOUE03 - Parking

At least 114 car parking spaces numbered and line marked in accordance with the approved plans are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

141. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

142. DAOUG03 - Centre-based Child Care Facility

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

(Reason: Clarify approved use)

143. DAOUG04 - Approved Child Capacity

Approval is granted for a maximum child placement of 120 children.

Staff rates and child to staff ratio shall be in accordance with the Education and Care Service National Regulations.

(Reason: Clarify the terms of the approved use)

144. DAOUH04 - Delivery Vehicle Size Limit

The largest vehicle delivering to the premises shall be limited to a medium rigid vehicle as defined in Australian Standard AS2890.2:2018.

(Reason: To ensure delivery vehicles accessing the site reflect design limitations of the development and do not unduly obstruct or interfere with site access and local traffic movement)

145. DAOUH06 - Residential Visitor Car Parking Spaces

Residential visitor car parking spaces are not to be used by building occupants or by persons attending the site for a purpose other than visiting the building's residential occupants.

(Reason: To ensure suitable availability and use of residential visitor car parking spaces)

Advisory Notes

146. 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.

147. 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.

148. DAANN08 - Process for Modification

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

149. 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.

150. 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.

151. 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.

152. 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.

153. 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.