

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2025/0119
Applicant:	S Allam 360-362 Park Road REGENTS PARK NSW 2143
Property Description:	6 Milner Road GUILDFORD NSW 2161, Lot 18 Sec 3 in DP 4047
Development:	Demolition of existing structures and construction of a two-storey boarding house containing 18 boarding rooms and one level of basement parking
Determined by:	Sydney / Regional 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
Revision A/DA0011	Site Plan	MOAA Pty Ltd	2025/04/21
Revision A/DA0012	Demolition Plan	MOAA Pty Ltd	2025/04/21
Revision A/DA0100	Basement Level	MOAA Pty Ltd	2025/04/21
Revision A/DA0101	Ground Floor Level	MOAA Pty Ltd	2025/04/21
Revision A/DA0102	Level 1	MOAA Pty Ltd	2025/04/21
Revision A/DA0103	Roof Plan	MOAA Pty Ltd	2025/04/21
Revision A/DA0200	Elevations Sheet	MOAA Pty Ltd	2025/04/21
Revision A/DA0201	Material Board	MOAA Pty Ltd	2025/04/21
Revision A/DA0300	Sections	MOAA Pty Ltd	2025/04/21
Revision A/DA0301	Driveway Long Section	MOAA Pty Ltd	2025/04/21
Revision A/DA0600	Typical Rooms	MOAA Pty Ltd	2025/04/21
24-5122 L01	Landscape Plan	Zenith Landscape Designs	21.02.2025
24-5122 L02	Landscape Plan	Zenith Landscape Designs	21.02.2025
ES9404/2	Detailed Site Investigation	Aargus	29 th November 2024
ES9404/3	Remediation Action Plan	GSNE Services Pty Ltd	14 th January 2025
GS 9404-1-A	Geotechnical Investigation Report	Aargus	18 th November 2024
060003	ESD Report for DA	Aspire Sustainability Consulting	11 December 2024

20241090.1/2002A/R 3/EM	DA Acoustic Assessment	Acoustic Logic	20/02/2025
AIA7/10/2024	Arboricultural Impact Assessment	Arbor Express	12/12/2024
Revision - 1A	Combined Demolition/Constructi on & Operational Waste Management Plan	Archer Consultants Pty Ltd	November 2024

For comprehension of approved levels, reference has been made to survey plan reference No. 6000976 prepared by Isa Surveyors dated 11/10/2024.

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

3. DAGCF01 - Surface Runoff

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

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

4. DAGCF02 - Utility Services

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

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

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

5. 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)

6. DAPDB07 - Site Safety Fencing - Demolition Only

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and be maintained until works are completed.

(Reason: Public safety)

7. 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)

8. DAPDB09 - Tree Preservation

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

(Reason: Tree Preservation and Protection)

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

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

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

- a) Identification of any noise sensitive receivers near to the site;
- b) A prediction as to the level of noise and vibration impact, including the likely number of high

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

(Reason: Environmental and residential protection)

10. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any demolition works, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the Council or registered certifier. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

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

11. 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

12. **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 to address the following matters:

Design of privacy screens to "Open Hallways"

The design of privacy screens situated along the "Open Hallways" on the Ground Floor Level and Level 1 of the building shall comprise fixed angled louvres to ensure view lines are redirected away from the neighbouring property to the south at 8 Milner Road, Guildford

Flooding

- a) Landfill over the existing natural ground profile at the rear is not permitted. The proposed landfill as shown on the architectural plans must be deleted.
- b) The Flood Impact Assessment Report, Job Number 25007, prepared by GRC Hydro and dated 29 April 2025 shall be amended with the remodelling of the flood model taking into account the following matters:
 - i. The ground level at location 1 (refer to image 3 in the Flood Impact Assessment Report) adopted as RL27.72m in the updated flood study does not appear to be consistent with the plan which is shown as 27.5m on the plan. The model shall be rectified as per the architectural plan to 27.5m instead of 27.72m.
 - ii. Accordingly, the results in table 2 and the flood maps of the study report shall be updated. The results and flood maps shall include pre- and post-dev results for i) flood levels and depth, ii) velocity, and iii) vxd product for 1%AEP and PMF scenarios.

Stormwater

Stormwater drainage plans SW1 to SW6, job number SSCE-2401-159, Revision H, dated 30.04.25 and prepared by Solution Structural & Civil Engineers shall be amended to demonstrate compliance with the following requirements:

- c) The On-site Detention (OSD) system shall be designed taking account a tailwater level of 28.20m AHD as per the submitted flood study report i.e. 1% AEP flood level at the point of discharge into the council pipe.
- d) The OSD tank shall be raised so the Top Water Level (Overflow weir level) and the High early discharge (HED) weir levels are sufficiently higher than the downstream tail water level (1%AEP Flood level) of 28.2m. The OSD tank base slab shall also be raised as high as possible to prevent backflow of floodwater. The base slab is recommended to be raised as high as possible closer to the floodwater level.
- e) The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1%AEP storm event into the OSD system with no gutter overflows.
- f) The area bypassing the OSD system shall not exceed 15% of the site area.
- g) The overland flow path shall not be obstructed.
- h) The on-site detention system provision shall be demonstrated by an OSD calculation summary sheet (excel spreadsheet). The calculation should account for the submerged orifice condition.
- i) The outlet pipe from the last pit into the public stormwater drainage pipe shall be in a falling gradient of 1% towards the pipe and in the direction of flow inside the drainage pipeline.

Vehicular access and manoeuvring

- j) An appropriate internal traffic circulation and management system comprising of an internal traffic signal, line marking, traffic sign, and signs on the pavement etc. shall be installed at each critical location such as at the front entrance and at the base of the ramp where the line of sight is critical. In addition, a waiting bay shall be line marked within the basement parking area.
- k) Provision for the car waiting bay within the basement to allow an incoming vehicle to enter the basement.
- l) The basement aisle width shall be at least 6.1m to provide 300mm clearance from the adjacent wall.

Submission of a Plan of Management

A Plan of Management shall be prepared that addresses the following matters:

- m) Consistency with the terms of this development consent including but not limited to the number of boarding rooms and maximum capacity.
- n) An Emergency Evacuation Plan shall be included that details the evacuation procedures in the event of an emergency, provision of a log book, identification of the assembly point and

- how residents will be made aware of the procedures contained in the Plan.
- o) 'House Rules' that each resident of the boarding house must abide by.

Installation of CCTV

CCTV cameras shall be installed at the following locations of the boarding house:

- p) Pedestrian/vehicle entry points.
- q) Common areas of circulation within the boarding house.

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

13. 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)

14. 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)

15. DACCA04 - Works within Boundary

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

(Reason: To ensure protection of adjoining properties)

16. DACCB01 - Damage Deposit for Council Infrastructure

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

(Reason: To protect Council infrastructure)

17. 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)

18. 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 \$111,168.00 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)

19. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
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Demolition Inspections	\$604.00	Prior to CC
Damage Deposit	\$2,171.70	Prior to CC
Sect. 7.11 Contributions	\$111,168.00 + CPI	Prior to CC
Construction Traffic Management Plan	\$409.00	Prior to CC
Driveways Inspections	\$444.00	Prior to CC
TOTAL	\$114,796.7 + 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)

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

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

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

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

(Reason: Maintain public assets)

21. DACCC01 - Footpath Design Levels

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

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

(Reason: Public infrastructure)

22. DACCC02 - Protection of Public Places

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

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

(Reason: Public safety)

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

The submission to Council of three copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve is required adjacent 6 Milner Road Guildford including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid.

Such design shall be:

- a) Prepared and submitted in electronic format, undertaken by a consulting civil engineer,
- b) Approved in writing by Council under section 138 of the *Roads Act 1993*, prior to the issue of the *Construction Certificate*,
- c) All civil engineering works adjacent 6 Milner Road Guildford are to be fully supervised by Council. A maintenance period of six months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- d) Upon completion of the works, the Applicant is to provide to Council two copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. The Applicant must also provide to Council, details of all public infrastructure created as part of the works, including certification that the design meets all relevant Australian Standards and Council specifications from an engineer with relevant industry experience.

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

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

24. DACCC05 - Hoardings

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

(Reason: Safety & information)

25. DACCE02 - Construction Management Plan

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

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

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

26. 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)

27. 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 a minimum of two (2) canopy trees, to achieve a minimum 10m height at maturity and located on the site. The trees are to be supplied from a minimum 45 litre container and be maintained by the applicant until the fully established.

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

28. 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)

29. DACCF03 - Landscape Plan

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

The plan must include the following information:

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

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

(Reason: Landscape quality)

30. DACCF04 - On Slab Landscaping

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

(Reason: To ensure the site landscaping thrives)

31. DACCF08 - Tree Planting

In addition to the canopy trees at least one tree with a mature height of 5m is to be provided within the front setback area and at least one tree with a mature height of 8m is to be provided within the rear yard. Minimum standards for soil areas and depths are to be in accordance with the following table:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10m x 10m	1.2m
Medium trees	8m-12m	4-8m	6m x 6m	1.0m
Small trees	5m-8m	<4m	3.5m x 3.5m	0.8m

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

32. DACCF09 - Sight Distance

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

(Reason: Safety)

33. DACCF10 - Tree Preservation - Driveway or Paving Works within the Tree Protection Zone (TPZ)

For approved driveway and or paving works within the Tree Protection Zone, as defined in section 3 of AS 4970 - 2009 'Protection of Trees on Development Sites' of trees to be retained, the driveway/paving must be constructed to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maximised and minimal tree roots are cut to accommodate the new structure. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an Australian Qualification Framework Level 5 Project Arborist to the satisfaction of the Council or registered certifier:

Tree number	Species	Location
1	<i>Corymbia maculata (Spotted Gum)</i>	Street tree
3	<i>Corymbia maculata (Spotted Gum)</i>	Street tree

(Reason: Tree preservation)

34. DACCG05 - Off Street Car Parking - General

A total of 9 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. The parking bays shall be delineated by line marking.

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

(Reason: Parking and access)

35. DACCI03- Substation /Fire Hydrant Boosters

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

(Reason: Streetscape amenity)

36. DACCJ01 - Detailed Stormwater Drainage System Design

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

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

(Reason: Stormwater management)

37. DACCJ03 - Certification of the Stormwater Drainage System Design

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

(Reason: Adequate stormwater management)

38. DACCJ05- Grated Drain to Garage Entrance/Driveway/Street Boundary

A grated trench drain shall be provided across the driveway at the base of the driveway ramp. Unless otherwise designed by a qualified civil engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and shall have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings submitted with the Construction Certificate application.

(Reason: Environmental protection)

39. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Development Control Plan and to the satisfaction of the Council or registered certifier. Details are to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

40. DACCJ09 - Stormwater Connection to Public Drainage System within Property

The proposed stormwater connection into Council's drainage system is subject to further approval. In this regard, a separate application shall be submitted to Council under section 68 of the *Local Government Act 1993* for approval prior to the issue of a Construction Certificate. Council will undertake inspections of the connection at various stages (e.g., at exposure stage, connection stage and backfilling stage).

(Reason: Protection and maintenance of Council assets)

41. DACCJ10 - Engineering Design - Basement Excavation

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

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

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

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

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

(Reason: To ensure the support for neighbouring buildings)

43. 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)

44. DACCK06 - Retaining Walls

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

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

45. 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 of structural elements of the building)

46. DACCL02 - Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to Council or registered certifier prior to the issue of a Construction Certificate, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

47. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment / relocation of telecommunications infrastructure shall be borne in full by the applicant / developer.

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

48. 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 Acoustic Logic dated 20/02/2025 reference 20241090.1/2002A/R3/EM.

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

49. 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)

50. 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)

51. DACCO02- Flooding Floor Levels

Floor levels shall comply with the Council's flood advice letter and the approved flood impact assessment report by providing a minimum floor level for all habitable areas of 29.3m AHD as shown on the floor plan, being 0.5m above the flood level at the upstream side of the structure and a minimum floor level for non-habitable areas of at least 28.35m AHD, being 0.15m above the flood level at the upstream side of the structure. Detailed plans demonstrating compliance are to be submitted with the construction certificate application.

(Reason: To provide acceptable levels of safety in the event of flooding)

52. DACCO03- Hydraulic Engineering Design Verification

Written verification from suitably qualified hydraulic engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood report including any recommended flood mitigation measures and that the development will have no adverse impact on flood levels for adjoining properties.

(Reason: To ensure a suitable design that will achieve reasonable levels of safety during flood events without impacting upon adjoining properties)

53. DACCO04- Flood Safety - Electrical Connections and Flood Sensitive Equipment

All new electrical connections and flood sensitive equipment must be located above a freeboard level of 0.5m above the 1% annual exceedance probability flood level.

(Reason: To provide reasonable levels of safety)

54. DACCO05- Parking and Access

Any minor variations adopted for structural plans submitted with the construction certificate application as compared to the approved development application plans in respect of the parking layout, driveway, internal ramp, turning areas, parking spaces and / or loading bay are to ensure compliance with applicable provisions of AS2890 including:

- a) Circulation ramp widths, grades and transitions are to comply with section 2.5.2 and section 2.5.3. A longitudinal section along the inner edge (steepest side) of 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) A crest at least 100mm higher than the top of the road side kerb at the upstream side of the driveway shall be provided within the driveway area.

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

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

55. DACCO06- 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 that drains to the pump out system. This area is to be limited to the driveway ramp and is not to exceed the lesser of 60m² or 5% of the basement area.
- b) 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.
- c) 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.
- d) 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.
- e) 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)

56. DACCO09- Stormwater Management

Detailed drainage plans must be submitted along with certification from a qualified civil engineer that:

- a) The submitted design, including any associated components such as on-site detention system design, basement pump-out system, and the sump are in accordance with the requirements of AS 3500.3 - Stormwater drainage.
- b) To the extent that any variations to AS 3500.3 are sought, certification that the design is in accordance with the requirements of Cumberland Development Control Plan.
- c) The submitted design is consistent with the approved architectural and landscape plans and any amendments to those plans required by conditions of this consent.

(Reason: To ensure that the design of the stormwater management system conforms to the Council's Development Control Plan and applicable standards)

57. DACCO11- Adequacy of On Site Detention

The volume and discharge rates of the on-site detention system are to match those based on the OSD calculation sheet. If any additional hard surfaces or level changes are proposed with the Construction Certificate application, the volume and discharge rate must be amended accordingly to comply with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook.

A silt arrestor pit with a trash rack is to be provided at the point of discharge from the OSD system to prevent gross pollutants entering the public drainage system. All access grates for the OSD shall be at least 900mm x 900mm. Details demonstrating conformity with this condition are to be submitted with the Construction Certificate application.

(Reason: To ensure that implementation of the onsite detention system reflects any minor variations from the development application and achieves its functional purpose)

58. DACCZ01 - Survey Investigation of the Existing Public Stormwater Pipe to establish the Depth and Invert/ Obvert level

Appropriate survey investigation of accepted procedures for a detailed survey investigation shall be carried out by a suitably qualified practicing registered surveyor to establish and confirm the condition, location, depth, size, and invert and obvert levels of the existing stormwater pipeline which will be the point of connection to the stormwater outlet pipe from the proposed development.

(Reason: To ensure appropriate design)

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

59. **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)

60. **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)

61. **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)

62. **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)

63. **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)

64. **DAPCA08 - Footpath Design Levels**

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

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

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

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

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

(Reason: Public infrastructure)

65. **DAPCB03 - Protection of Landscape Features**

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

Tree number	Species	Location
1	<i>Corymbia maculata (Spotted Gum)</i>	Street tree
3	<i>Corymbia maculata (Spotted Gum)</i>	Street tree

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

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

(Reason: Protection of trees to be retained)

66. **DAPCB05 - Trunk Protection**

To limit the potential for damage to trees to be retained, trunk protection measures must be installed in accordance with section 4.5.2 of AS 4970 - 2009 'Protection of Trees on Development Sites' for the following tree/s prior to the commencement of demolition, excavation or building works:

Tree number	Species	Location
1	<i>Corymbia maculata (Spotted Gum)</i>	Street tree
3	<i>Corymbia maculata (Spotted Gum)</i>	Street tree

Trunk protection shall comprise the placement of 2000mm lengths of 100mm x 50mm hardwood battens organized vertically at 150mm centres around the trunk and secured in place by metal strap bindings or ten gauge fencing wire fixed at 300mm centres. Prior to placing battens a soft protective padding must be installed to the ends of the timbers to prevent damage to the bark and conductive tissue. Under no circumstances are the battens to be secured to the tree by a method that involves the trunk being penetrated by a nail, screw, rod or the like. Trunk protection must remain in place for

the duration of the works.

(Reason: Tree trunk protection)

67. DAPCD01 - Council Drainage Assets - Dilapidation Report

CCTV footage shall be submitted to Council to identify the pre-construction state of the Council's stormwater infrastructure. The footage shall extend 10m upstream and 10m downstream of the proposed point of connection. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage.

(Reason: Protection of Council assets)

Conditions which must be satisfied during any development work

68. 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)

69. 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)

70. 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)

71. DADWA05 - Construction Management Plan

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

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

(Reason: Compliance with condition of consent)

72. 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)

73. DADWA07 - General Site Requirements during Demolition and Construction

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

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

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

74. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

75. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

76. DADWA12 - Compliance with the Noise Management Plan

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

(Reason: To protect residential amenity)

77. DADWA13 - Compliance with Hazardous Materials Survey Report

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

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

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

78. 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)

79. 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)

80. 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)

81. 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)

82. DADWA20 - Road and Footpath Opening Permit

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

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

(Reason: Maintain public asset)

83. DADWB01 - Arborist Inspections

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

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

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

84. 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)

85. DADWB07 - Tree Preservation - Excavation within the Structural Root Zone (SRZ)

Any excavation that is required and may impact the SRZ area of the following tree/s to be retained is to be undertaken by hand or by non-destructive digging methods, under the supervision of an AQF Level 5 Project Arborist.

Tree number	Species	Location
1	<i>Corymbia maculata (Spotted Gum)</i>	Street tree
3	<i>Corymbia maculata (Spotted Gum)</i>	Street tree

In the event that major structural or feeder roots (>50mm in diameter) are encountered during excavation works, the consulting arborist is to recommend and or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or a work, a practicing structural engineer must certify that the proposal complies with the National Construction Code and/or Australian Standards.

(Reason: Tree preservation)

86. DADWB08 - Removal of Trees

The following trees are approved for removal:

Tree number	Species	Location
2	<i>Melaleuca quinquenervia (Paperbark)</i>	On the site

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

87. DADWC01 - Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

(Reason: Protection of infrastructure, safety & information)

88. 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)

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

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

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

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

(Reason: To ensure compliance with approved plans)

90. 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)

91. DADWC08 - Anti-Graffiti Coatings

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

Reason: To minimise the opportunity for graffiti)

92. DADWC10 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

93. 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)

94. 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)

95. DADWC16 - Waste Management

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

(Reason: Compliance with approval)

96. DADWC18 - Land Remediation (no auditor engaged)

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by GSNE Services Pty Ltd dated 14 January 2025 reference ES9404/3. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions or recommendations about site contamination must be immediately notified to the Principal Certifier. Any required variations to the Remedial Action Plan must be documented and approved by a suitably qualified environmental consultant, with a copy of the documentation provided to Council.

(Reason: To ensure compliance with requirements of Remedial Action Plan for contaminated sites)

97. 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)

98. 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)

99. 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)

100. 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)

101. 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)

102. 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)

103. DADWZ01 - Design of vehicle crossover

The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

(Reason: To maintain uniformity of driveway)

104. DADWZ02 - Inspection of Works (Stormwater Connection to Public Infrastructure)

The stormwater drainage works including connecting into the Council stormwater system shall be inspected by Council during construction. Documentary evidence of compliance with the Authority's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
 - (b) Prior to backfilling of the trench following the connection into the council's stormwater pipe.
 - (c) Final Inspection.
- The council's standard inspection fee will apply to each of the above set inspection at key stages. Additional inspection fees will apply for additional inspections required to be undertaken by the Authority.

Note: A private certifier or the PCA cannot be engaged to do this inspection.

(Reason: To protect council's asset and maintain quality)

105. DADWZ03 - Inspection of On-site Detention System Works

The stormwater drainage and On-Site Detention system within the subject site shall be inspected

during construction, by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control devices.
- (b) After completion of storage but prior to installation of fittings (e.g., Screens etc.)
- (c) Final Inspection.

(Reason: To ensure work complies with the design standard and maintain quality of works)

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

106. 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)

107. DAOCA02 - Final Clearance

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

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

108. DAOCA03 - S73 Compliance Certificate

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

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

109. DAOCA04 - Structural Engineer's Certificate

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

(Reason: Structural certification)

110. 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 together with the following documents:
 - The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
 - OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
 - Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
 - Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer

(refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.

- Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and the OSD basin wall leak proof capability etc.

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)

111. DAOCA10 - Provision of Street Numbers

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

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

112. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed to replace the damaged sections adjacent to the front of the property.

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)

113. DAOCA15 - Concrete Footpath

A 1200mm wide concrete footpath shall be provided along the frontage to Milner Road.

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

(Reason: To ensure satisfactory pedestrian amenity)

114. 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 Acoustic Logic dated 20/02/2025 reference 20241090.1/2002A/R3/EM 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)

115. DAOCB05 - Site Validation (no auditor engaged)

Prior to the issue of any Occupation Certificate a site validation report is to be prepared by a suitably qualified environmental consultant in accordance with the *Contaminated Land Management Act 1997* and any relevant guidelines endorsed by the NSW EPA with a copy submitted to the Principal Certifier. The report is to satisfactorily document the following:

- a) Confirmation that the site has been remediated and validated in accordance with the recommendations set out within the Remedial Action Plan (RAP) prepared by GSNE Services Pty Ltd dated 14 January 2025 reference ES9404/3, and the guidelines that are in force from time to time under the *Contaminated Land Management Act 1997*.

- b) Detail any approved variations to the RAP made by a suitably qualified environmental consultant with a copy of the revised RAP provided to Council. Note: Where the variation alters the approved development consent plans, appropriate prior approval from Council must be obtained for the changes.
- c) Verification that the site is suitable for the proposed approved use with clear justification.

(Reason: Statutory Requirement)

116. 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)

117. 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)

118. DAOCF03 - Arborist's Report - Follow up

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate. This report must document:

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

(Reason: Ensure survival of trees to be retained)

119. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

120. DAOCG01 - Certification of the Constructed Stormwater Drainage System

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

(Reason: Adequate stormwater management)

121. DAOCH03 - OSD Identification Plate

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

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

122. DAOCH09 - Completion of Public Road Assets

To ensure assets in the public road, including vehicular crossings, pedestrian footpaths, kerbing, guttering, connection into the public stormwater pipeline within the subject site 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)

123. 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)

124. DAOCI04 - Satisfaction of Hydraulic Requirements - Flood Affected Land

Written verification from a suitably qualified hydraulic engineer shall be provided to the principal certifier stating that:

- a) Requirements, recommendations and mitigation measures of the Flood Impact Assessment Report have been implemented and complied with;
- b) The habitable and non-habitable areas floor level complies with the minimum floor level and freeboard requirements; and
- c) The completed development will have no adverse impact on adjoining properties, will not increase flood levels and will not extend land affected by flooding.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

125. DAOCI12 - Positive Covenant - On Site Detention

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

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

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

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

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

127. DAOCI14 - Positive Covenant - Overland Flowpath

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 overland flowpath. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure proper upkeep and functionality of the on overland flowpath)

128. DAOCI15 - Restriction of the Use of Land - Overland Flowpath

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 flowpath represented by the 1% Annual Exceedance Probability flood level identified in the approved Flood Impact Assessment Report without the prior approval of the Council. Council shall be identified as the authority with power to release, vary or modify the restriction. The wording of the restriction shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure the overland flowpath is not inhibited to help avoid adverse impacts for downstream land)

129. DAOCZ01 - Vehicular Access and Parking Requirements

Prior to issue of the occupation certificate, the principal certifier must ensure that compliance with the following has been demonstrated:

- a) An internal traffic signal system to manage vehicle access to the basement ramp shall be installed together with a car waiting bay at the basement.
- b) A car waiting bay for the exiting vehicle shall be provided together with the line marking and give way sign within the basement parking area to allow an incoming vehicle to enter the basement level.

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

130. DAOCZ02 - Public Drainage infrastructure - Post construction Dilapidation Report

CCTV footage shall be submitted to Council to identify the post-construction state of the Council's stormwater infrastructure. The footage shall extend 10m upstream and 10m downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage.

(Reason: Protection of Council assets)

131. DAOCZ03 - Maintenance Schedule for On-Site Detention (OSD) stormwater System

A maintenance schedule for the stormwater OSD system and the overland flow path, including a sketch plan of the components forming the site's systems shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements inclusive of annual maintenance inspection.

(Reason: Maintain the OSD system)

132. DAOCZ04 - Emergency Flood Evacuation Plan

As the site is identified as being affected by the Probable Maximum Flood (PMF) event, an emergency flood evacuation plan shall be prepared detailing how occupants are to travel to a safe refuge at a location higher than the PMF flood level whether on or off site. A copy of the report and the plan shall be submitted to Council.

(Reason: Resident safety in the event of a flood)

133. DAOCZ05 - Restriction as to User

Before the issue of an occupation certificate a restriction must be registered, in accordance with the [Conveyancing Act 1919](#), section 88E, against the title of the property relating to the development, which will ensure that:

- a) The boarding house must be used for affordable housing; and
- b) The boarding house must be managed by a registered community housing provider in accordance with the plan of management.

Evidence of an agreement with a registered community housing provider for the management of the boarding house must be given to the Registrar of Community Housing, including the name of the registered community housing provider.

Evidence that the requirements of paragraphs a) and b) have been met must be given to Council.

(Reason: Statutory requirement)

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

134. DAOUA08 - Waste & Recycling Collection

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

practicable following collection and returned to the designated waste storage area.

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

(Reason: To minimise amenity and streetscape impacts)

135. DAOUA26 - Plan of Management

The use shall be operated and managed in accordance with the approved Plan of Management. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(Reason: To protect residential amenity)

136. DAOUA27 - Boarding House - Use and Operation

The construction and operation of the boarding house shall comply with all applicable legislation requirements including those under:

- a) *Local Government (General) Regulation 2005 under the Local Government Act 1993;*
- b) *Public Health Act 2010;*
- c) *Boarding Houses Act 2012;*
- d) *Boarding Houses Regulation 2013; and*
- e) *Environmental Planning and Assessment Regulation 2021 s.83(3).*

(Reason: Statutory compliance)

137. DAOUA28 - Maximum number of Lodgers

The maximum number of occupants shall not exceed 36 at any time.

(Reason: To clarify the terms of the approval)

138. DAOUA29 - Registration of Boarding House (Boarding House Act 2012)

The boarding house must be registered with NSW Fair Trading within 28 days of commencing operation.

(Reason: Registration and notification to relevant authorities)

139. 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)

140. 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)

141. DAOUC02 - Control of Litter

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

(Reason: Environmental health)

142. 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)

143. 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)

144. 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)

145. DAOUC19- Waste Management Plan

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

(Reason: To protect the environment)

146. DAOUC30 - Privacy

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

(Reason: Privacy)

147. 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)

148. DAOUE03 - Parking

9 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)

149. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

150. DAOUF02 - Control of Noise

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

(Reason: Public interest)

151. DAOUH01 - Boundary Fencing for Flood Affected Land

Fencing within the 100 year average recurrence interval flood level shall not impede overland flows. Measures such as the provision of open type pool fencing must be incorporated for those areas below the 100 year average recurrence interval flood level.

(Reason: To ensure overland flow is maintained and that any localised flooding is not exacerbated)

152. DAOUH08 - Flood Evacuation Procedures

The approved flood evacuation plan, including identification of a refuge point, is to be displayed in a prominent position within the building.

(Reason: To promote flood safety awareness)

153. DAOUZ01 - Annual maintenance inspection of OSD system, and Overland Flood Path

An annual maintenance inspection summary of the OSD system, and overland flood path with associated certification shall be carried out as per the maintenance schedule. In this regard,

- All critical inspections shall be carried out by a qualified person.
- A maintenance logbook shall be maintained as per the approved maintenance schedule on site and be readily available for inspection by Council.

(Reason: To ensure the OSD system and overland flood path are maintained in good working order)

154. DAOUCZ02 - Use of Boarding House

The boarding house must be used for affordable housing in perpetuity and managed by a registered community housing provider.

Notice of a change in the registered community housing provider who manages the boarding house must be given to the Registrar of Community Housing and Council no later than 3 months after the change and notice of a change to the plan of management. A copy must be given to Council no later than 3 months after the change.

The registered community housing provider who manages the boarding house must apply the Affordable Housing Guidelines.

(Reason: Statutory requirement)

155. DAOUCZ03 – Maintenance of Internal Traffic Signal System

The internal traffic signal system of the development must be maintained in a good working order for the life of the development.

(Reason: To ensure internal traffic signal system remains in good working order)

Advisory Notes

156. DAANN01 - Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets it is recommended that you contact Before You Dig before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe

asset owners a duty of care when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Before You Dig service in advance of any construction or planning activities.

(Reason: Advisory)

157. DAANN02 - Telecommunications Act 1997 (Commonwealth)

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

(Reason: Advisory)

158. DAANN03 - Dividing Fences

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

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

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

(Reason: Advisory)

159. DAANN08 - Process for Modification

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

(Reason: Advisory)

160. DAANN09 - Review of Determination

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

(Reason: Advisory)

161. DAANN10 - Right of Appeal

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

(Reason: Advisory)

162. DAANN13 - Work Health and Safety

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

(Reason: Advisory)

163. DAANN22 - Obtaining a Construction Certificate for Building Work

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

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

(Reason: Information)