

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2025/0095
Applicant:	Marque Eight Pty Ltd 2 Mark Street Lidcombe
Property Description:	2 Mark Street Lidcombe, 1A Marsden Street Lidcombe, 1 Marsden Street Lidcombe and 3 Marsden Street Lidcombe. Lot 7 Sec 2 DP 846, Lot 8 Sec 2 DP 846, Lot 9 Sec 2 DP 846, Lot 10 Sec 2 DP 846, Lot 11 Sec 2 DP 846, Lot 12 Sec 2 DP 846.
Development:	Demolition of existing structures and construction of a mixed-use development comprising of 6 commercial tenancies, 101 co-living rooms and 305 boarding rooms and 3 levels of basement car parking pursuant to State Environmental Planning Policy (Housing) 2021.
Determined by:	Sydney Central City Planning Panel.

CONDITIONS OF CONSENT

General Conditions.

1. DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
08825 DA:04 Issue B	Demolition Plan	Zhinar Architects	31/07/2025
08825 DA:05 Issue B	Streetscapes	Zhinar Architects	18/08/2025
08825 DA:06 Issue B	Site Plan	Zhinar Architects	19/08/2025
08825 DA:07 Issue B	Basement 3 Plan	Zhinar Architects	18/08/2025
08825 DA:08 Issue B	Basement 2 Plan	Zhinar Architects	22/09/2025
08825 DA:09 Issue B	Basement 1 Plan	Zhinar Architects	22/09/2025
08825 DA:10 Issue B	Ground Floor Plan	Zhinar Architects	18/08/2025
08825 DA:11 Issue B	Level - 1 Plan - Co-living	Zhinar Architects	18/08/2025
08825 DA:12 Issue B	Level - 2-3 Plans (Typ) - Co-living	Zhinar Architects	13/08/2025
08825 DA:13 Issue B	Level 4 Plan - Boarding	Zhinar Architects	19/08/2025
08825 DA:14 Issue B	Level 5 Plan -Boarding	Zhinar Architects	13/08/2025
08825 DA:15 Issue B	Level 6-7 Plans (Typ) - Boarding	Zhinar Architects	18/08/2025
08825 DA:16 Issue B	Level 8 Plan (Rooftop COS) - Boarding	Zhinar Architects	13/08/2025
08825 DA:17 Issue B	Level 9-13 Plans (Typ) - Boarding	Zhinar Architects	13/08/2025
08825 DA:18 Issue B	Level 14 Plan + Roof Plan - Boarding	Zhinar Architects	18/08/2025

08825 DA:19 Issue B	Top Roof Plan	Zhinar Architects	18/08/2025
08825 DA:20 Issue B	North Elevation -David Place	Zhinar Architects	18/08/2025
08825 DA:22 Issue B	South Elevation - Marsden Street	Zhinar Architects	18/08/2025
08825 DA:24 Issue B	West Elevation - Mark Street	Zhinar Architects	18/08/2025
08825 DA:25 Issue B	East Elevation	Zhinar Architects	18/08/2025
08825 DA:27 Issue B	Internal Elevations	Zhinar Architects	18/08/2025
08825 DA:28 Issue B	Section A	Zhinar Architects	18/08/2025
08825 DA:29 Issue B	Section B	Zhinar Architects	18/08/2025
08825 DA:30 Issue B	Section C	Zhinar Architects	18/08/2025
1 of 4 Issue F	Landscape Site Plan	Paul Scrivener Landscape	20/08/2025
2 of 4 Issue F	Detail Plan	Paul Scrivener Landscape	20/08/2025
3 of 4 Issue f	Planting Plan	Paul Scrivener Landscape	20/08/2025
4 of 4 Issue F	Level 1, 8 and 14	Paul Scrivener Landscape	20/08/2025
Project Number: 240760 Version R1	DA Acoustic Assessment	Pulse White Noise Acoustic	3/08/2025
Reference Number: 24300 Issue C	Access Report	Vista Access Architects	15/08/2025
Ref-24162	Waste Management Plan	Dickens Solutions	August 2025
Unnumbered	Plan of Management - Boarding House	Strathfield Partners	August 2025
Unnumbered	Plan of Management - Co-Living	Strathfield Partners	August 2025
Report No:17/0492	Preliminary Site Investigation	STS GeoEnvironmental Pty Ltd	March 2017
Report No:18/2050	Further Site Investigation	STS GeoEnvironmental Pty Ltd	July 2018
Ref: 2777	Arboricultural Impact Assessment	Redgum Horticultural - Arboriculture & Horticulture Consultants	28/03/2017
Unnumbered	CPTED	NSW Police	25/09/2025
CNR-81279)	Ausgrid	Ausgrid	1/05/2025

For comprehension of approved levels, reference has been made to survey plan reference No. GCW419 prepared by Land Civil Engineering and Construction Surveys dated 2/02/2017.

(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.

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. 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)

7. 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)

8. 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)

9. 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)

10. DAPDZ01 - Drainage Construction Works

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

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

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

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

11. DACCA01 - Amendments to Approved Plans

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

- a) The Retail 01 and Retail 02 floor levels shall be raised to 21.3m AHD to comply with flood planning level.
- b) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the street enters the basement. The crest shall be above the adjacent top of kerb level. The crest shall form part of access ramp design. The ramp shall also comply with Australian standard AS2890.1. Ramp gradient shall be 1 in 20 for first 6.0m into the car park.
- c) Signs shall be provided to prevent the commercial vehicles enter the residential parking areas.

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

12. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

13. DACCA03 - Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the

relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications submitted with the Construction Certificate application.

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

14. DACCA04 - Works Within the Boundary

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

(Reason: To ensure protection of adjoining properties)

15. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of **\$38,683.39** shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)

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

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

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

17. 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 **\$3,040,043.00+ CPI** 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)

18. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspections (2 Inspections)	\$604.00	Prior to Demolition
Damage Deposit	\$38,683.39	Prior to Demolition
Sect. 7.11 Contributions	\$3,040,043.00+ CPI	Prior to CC
Construction Traffic Management Plan	\$409.00	Prior to CC
Kerb Crossing Bond (Related to Driveways)	\$6,970.00	Prior to CC
Driveways Inspections (2 Inspections)	\$881.00	Prior to CC
TOTAL	\$3,087,590.39 + CPI where applicable	

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

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

(Reason: Statutory requirement and information)

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

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

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

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

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

20. DACCC01 - Footpath and Driveway Design Levels

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

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

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

21. DACCC02 - Protection or Management of Public Access

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

(Reason: Public safety)

22. 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 along with payment of fees calculated under the Council's Schedule of Fees and Charges.

(Reason: Safety and information)

23. DACCC07 - Driveway Design

Detailed driveway plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier. The plans shall include a longitudinal section for each edge of the driveway / ramp from the centreline of the road to the parking spaces which demonstrates that grades and transitions comply with clauses 2.5.3 and 2.6 of AS2890.1:2004.

Levels at the property boundary shall accord to those obtained from Council via an *Application for*

Property Boundary Line Levels.

(Reason: To ensure safe and suitable vehicular access)

24. DACCE02 - Construction Management Plan

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

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

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

25. DACCE03 - Construction Traffic Management Plan (CTMP)

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

The following matters must be addressed in the CTMP:

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

(Reason: Traffic safety and amenity during construction phase)

26. 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)

27. 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;
- f) tree protection measures noted in the Arboricultural Impact Assessment Report, including existing levels to be retained around the base of the tree; and
- g) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. At least 50% of the tree and shrubs shall be species native to the region.

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

(Reason: Landscape quality)

28. 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 300-450mm 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)

29. DACCF08 - Tree Planting

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	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m

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

30. DACCG01 - Available Visitor Car Parking Signage

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

(Reason: To promote the availability of visitor parking and minimise impacts on the availability of street parking)

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

A minimum of 126 car spaces shall be provided on the development site, comprising of at least:

- 61 car spaces for the boarding house occupants;
- 21 car spaces for the co-living house occupants;
- 34 car spaces for the business/commercial/retail premises;
- 10 spaces for residential visitor car parking;
- 8 out of the 126 car parking spaces shall be for people with mobility impairment/disabilities in accordance with the relevant Australian Standards.

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

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

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

The parking bays shall be delineated by line marking.

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

The following traffic control measures shall be implemented on site:-

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

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

(Reason: To ensure satisfactory parking and access)

32. DACCG09 - Speed Hump and Stop Sign on Exit

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

(Reason: Traffic safety and management)

33. DACCG11 - Stop Signs

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

(Reason: Adequate access and egress)

34. DACCI02 - Surrender of Consent

Prior to the issue of the Construction Certificate, the applicant shall surrender Development Consent No. DA2022/0253 for the demolition of existing structures and construction of a mixed use development comprising of four (4) commercial tenancies, 83 co-living housing rooms, 100 residential units and three (3) levels of basement car parking pursuant to State Environmental Planning Policy (Housing) 2021 at 1 Marsden Street, 1A Marsden Street, 3 Marsden Street, 2 Mark Street Lidcombe being Lot 7 to Lot 12 in Sec 2 DP 846 by submitting a notice of surrender of consent to Council in accordance with s.67 of the *Environmental Planning and Assessment Regulation 2021*.

(Reason: To ensure that there is certainty as to the consent applying to the land)

35. DACCI04- Site Cranes

Site crane/s and hoist/s must comply with all relevant parts of Australian Standards 1418, 2549 and 2550. Cranes must not swing or hoist over any public place unless approval has been obtained for such under section 68 of the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

36. DACCJ03 - Certification of the Stormwater Drainage System Design

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

(Reason: Adequate stormwater management)

37. 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)

38. 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)

39. DACCK07 - Structural Engineer's Details

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

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

40. DACCL01 - Electricity Substation

Documentary evidence of compliance with design requirements of the relevant energy authority is to be provided to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Where substations are proposed and required, to ensure that the final design accounts for any requirements of the energy authority)

41. 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 Pulse White Noise Acoustics Pty Ltd dated 03 August 2025 Version: R1 and referenced Project Number 240760.

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

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

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

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

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

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

43. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

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

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

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

45. DACCN01 - Housing and Productivity Contribution (HPC)

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

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$97,257.87
Total housing and productivity contribution	\$97,257.87

The HPC must be paid using the NSW planning portal.

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

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

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

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

46. DACCO05- Parking and Access

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

- a) Circulation roadways and ramp widths shall comply with section 2.5.2.
- b) Circulation ramp grades and transitions are to comply with section 2.5.3. A longitudinal section along the steepest side the ramp demonstrating compliance shall be prepared.
- c) Kerbs shall be at least 300mm wide and 150mm high to either side of a ramp.
- d) Pedestrian sight distances are to be provided in accordance with section 3.2.4.
- e) 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.
- f) Directional arrows for internal circulation shall be prominently displayed. The entry/exit driveway shall be line marked.
- h) Width of the circulation roadway and ramps shall comply with Clause 2.5 of AS2890.1:2004.
- i) Any amendments to the levels within the road reserve shall be submitted to and approved by Council's Engineering Team. All works required within the road reserve are to be designed and built by the applicant to the satisfaction of Council. All costs shall be borne by the applicant.

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

(Reason: To ensure satisfactory vehicle access and parking)

47. DACCO06 - Basement Pump Out Drainage System

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

- a) The catchment area of the driveway no exceeding 60m².
- b) A sump with dimensions 1m by 1m and depth 300mm.
- c) Provision of tank storage volume based upon the 100 year average recurrence interval storm event for a 90 minute storm duration, with further provision within the car park area to accommodate the 100 year average recurrence interval even based upon a 12 hour storm duration.
- d) Provision of dual submersible pump units where each have a discharge rate equal to the 100 year average recurrence interval for a 5 minute storm duration.
- e) The water level and location for the collection of water, outside of the tank storage. The collection / storage area may be co-located with car parking and access aisles. Any other use, including storage for units within the building must be located at least 100mm above the water level of the collection area.
- f) Measures to be enacted that immediately alert the owners of the building that a pump failure has occurred, including in scenarios when the building may be unoccupied.

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

48. DACCO07- Splay Corner

No structure or landscaping shall be located within a 2.5m x 2.5m splay at the corner of Mark Street and Laneway (David Place) and a 3.0m x 3.0m splay at the corner of Mark Street and Marsden Street. Plans submitted with the Construction Certificate application are to be consistent with this requirement.

(Reason: To ensure acceptable vehicular and pedestrian safety)

49. DACCO08- Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow to Council's stormwater pit in Marsden Street, generally in accordance with the drawing No. stormwater concept plans SW101 to SW302 issue E dated 20. 08. 2025 prepared by Quantum Engineers subject to the following amendments:

- a) Stormwater plans shall be updated to comply with the approved architectural plans.
- b) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the street enters the basement. The crest shall be above the adjacent top of kerb level. The crest shall form part of access ramp design. The ramp shall also comply with Australian standard AS2890.1. Ramp gradient shall be 1 in 20 for first 6.0m into the car park.

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

50. DACCO17 - Public Domain Works

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

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

51. DACCZ01 - Incorporation of Soil Vault System

Prior to the issue of a Construction Certificate, the applicant in consultation with a suitably qualified landscape designer/architect is to incorporate a 'Stratacell' soil vault system (or a similar system) along the entire length of the Mark Street and Marsden Street frontage where the proposed avenue planting is to occur. This is to ensure that the proposed avenue planting has sufficient soil volume to reach their

full growth potential.

The applicant is to also install the following species.

Species	Street
<i>Elaeocarpus eumundi</i> - Smooth leafed Quandong	Mark Street
<i>Nyssa sylvatica</i> - Black tupelo	Marsden Street

(Reason: To ensure the site landscaping thrives)

52. DACCZ02 - Flood Compliance

Subject development shall comply with Council's Flood Risk Management Policy (CFRMP). In this regard:

- a) Flood advice letter from Council shall be obtained.
- b) Supporting documents shall be prepared by suitably qualified engineer in order to ensure that the development complies with the controls nominated in the Appendix (page 6) of the CFRMP.
- c) Supporting documents shall be submitted to and approved by Council or registered certifier.

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

53. DACCZ03 - Connection to Council's Stormwater System

Detail design for the proposed connection to existing Council's stormwater pipe system shall be submitted to and approved by Cumberland Council's Manager Engineering and Building. In this regard:

- a) Longitudinal section of the proposed stormwater pipe outlet, showing the exact depth and location of all the services within the area of the proposed works shall be submitted.
- b) Service search details shall be submitted.
- c) Depth of the Council pipe shall be verified and annotated on the plan.

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

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

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

54. DACCZ04 - 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)

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

55. 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)

56. DAPCA02 - Home Building Compensation Fund

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

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

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

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

(Reason: Statutory requirement)

57. 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)

58. 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)

59. 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)

60. 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)

61. 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
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear of site - as indicated on Tree Protection Plan

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)

62. DAPCB05 - Trunk and Branch 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
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear of site - as indicated on Tree Protection Plan

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)

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

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

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

(Reason: Protection of Public Assets and information)

Conditions Which Must be Satisfied During any Development Work.

64. 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)

65. 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)

66. 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)

67. DADWA05 - Construction Management Plan

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

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

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

68. 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)

69. DADWA07 - General Site Requirements during Demolition and Construction

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

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

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

70. DADWA09 - Electricity and Telecommunication Connections

All power connection to the development shall be installed underground.

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

71. 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)

72. 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)

73. 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)

74. 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)

75. 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)

76. 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)

77. 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)

78. DADWB02 - Tree Protection

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

(Reason: Tree preservation)

79. 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.

Species	Location	TPZ	SRZ
<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear of site - as indicated on Tree Protection Plan	To be determined prior to commencement of works	To be determined prior to commencement of works

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)

80. DADWB08 - Removal of Trees

The following trees are approved for removal:

Species	Location
<i>Callistemon linearis</i> x1	Within property boundary
<i>Cupressus sempervirens</i> x1	Within property boundary
<i>Callistemon viminalis</i> x1	Within property boundary

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

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

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

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

82. 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)

83. DADWC03 - Progress Survey - Development Over Two Storeys

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

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

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

(Reason: To ensure compliance with approved plans)

84. DADWC08 - Anti-Graffiti Coatings

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

Reason: To minimise the opportunity for graffiti)

85. DADWC10 - Construction Within Boundary

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

(Reason: To prevent encroachment on other land)

86. 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)

87. DADWC14 - Liquid Trade Waste

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

stormwater systems.

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

88. 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)

89. 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)

90. DADWC19 - Sediment and Erosion Control Measures

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

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

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

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

91. DADWC20 - Dewatering

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

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

2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;

- State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
- State that the water quality monitoring will be certified by an experienced water quality expert.
- State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

92. DADWC21 - Stormwater Connection to Public Drainage System

Connection to the Council drain is to take place in accordance with the approval obtained under section 68 of the Local Government Act 1993. Inspections undertaken with a member of Council's engineering section are to take place at the following stages:

- a) Initial inspection to discuss the concept and site conditions / constraints prior to commencement of works.
- b) After the excavation of culvert / pipeline trenches.
- c) After the laying of all conduit prior to backfilling.
- d) After the formwork for any pits prior to pouring concrete.
- e) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's engineering section during office hours. Work is not to proceed until the works are inspected and approved by Council. Fees are payable in accordance with Council's adopted fees and charges for the s.68 application and inspections.

(Reason: To ensure the proper construction and integrity of Council's stormwater assets)

93. DADWC25 - Accessible Parking Spaces

All accessible parking spaces and shared zones, inclusive of bollards, must be provided in accordance with AS2890.6:2022.

(Reason: To ensure provision of parking suitable to driver needs)

94. 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)

95. 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)

96. 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)

97. 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)

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

The following critical stage inspections must be carried out:

- a) after the commencement of the excavation for, and before the placement of, the first footing;
- b) in relation to a critical stage inspection of a class 9a and 9c building, as defined in the Building Code of Australia-prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work;

- c) Prior to covering any stormwater drainage connections; and
- d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

(Reason: Statutory requirement)

Conditions Which Must be Satisfied Prior to the Issue of an Occupation Certificate.

99. 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)

100. 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)

101. DAOCA03 - Section 73 Compliance Certificate

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

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

102. DAOCA04 - Structural Engineer's Certificate

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

(Reason: To ensure the building is constructed in a structurally sound manner)

103. DAOCA06 - Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that 16 units (Units 1.03, 1.14, 2.09, 2.20, 3.09, 3.20, 4.09, 4.20, 5.09, 5.15, 6.09, 6.18, 7.09, 7.18, 8.09 and 8.19) have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

104. DAOCA08 - Certification of Engineering Works

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

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

(Reason: Asset management)

105. DAOCA11 - Civil Works on the Footway

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

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

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

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

106. DAOCA15 - Concrete Footpath

A concrete footpath shall be constructed to replace existing footpath across the full length adjacent to the front and side of the property as per Council's requirements at no cost to Council. Footpath surface treatment and paving details shall comply with relevant Council's standards. Details shall be obtained from Council Engineering Section.

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

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

(Reason: To ensure satisfactory pedestrian amenity)

107. DAOCA16 - Basement Line Marking

The basement car park shall be line marked and / or sign posted in accordance with the requirements of AS2890.1, AS2890.2 and AS2890.6.

(Reason: To delineate parking and manoeuvring space for safety and convenience)

108. DAOCA17 - Wheel Stops

Wheel stops shall be provided as required by, and in accordance with, AS2890.1:2004.

(Reason: To prevent cars from colliding with other structures)

109. DAOCB01 - Mechanical Ventilation - Compliance

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

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

110. 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 Pulse White Noise Acoustics Pty Ltd dated 03 August 2025 Version: R1 and referenced Project Number 240760 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)

111. DAOCB06 - Monitoring of Field Parameters

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

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

112. 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)

113. 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)

114. 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)

115. DAOCF04 - Street Tree Replacement

The applicant shall meet the full cost to install 400 litre (container size) *Elaeocarpus eumundi* - Smooth leafed Quandong along Mark Street and *Nyssa sylvatica* - Black tupelo along Marsden Street. The location of the street trees shall be in accordance with the landscape concept.

The tree/s shall be maintained by the applicant in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

(Reason: Tree preservation and environmental amenity)

116. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

117. 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)

118. DAOCH04 - Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

(Reason: Information)

119. DAOCH09 - Completion of Public Road Assets

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

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

120. 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)

121. DAOCH14 - Telecommunications/TV Antennae

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

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

122. DAOCH20 - On Site Detention System Maintenance Schedule

A suitably qualified and practising civil engineer shall prepare a maintenance schedule for the on-site detention system in a manner similar to the example provided at figure B.2.3 of the 3rd edition of the Upper Parramatta River Catchment Trust Handbook. The schedule shall include a sketch plan of the components forming the on site detention system.

(Reason: To ensure owners are aware of maintenance requirements of the system)

123. DAOCH04 - Satisfaction of Flood Requirements - Flood Affected Land

Written verification from a suitably qualified flood 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 Retail 01 and Retail 02 floor levels complies with flood planning level of 21.3m AHD; 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)

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

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

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

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

126. DAOCI19 - Boarding House Use - Restriction as to User

Prior to the issue of an occupation certificate, a restriction on the use of land must be registered on the title of the property under s.88E of the *Conveyancing Act 1919* providing 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.
- c) 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), (b) and (c) have been met must be given to Council.

(Reason: To ensure compliance with s.83 of the Environmental Planning and Assessment Regulation 2021)

127. DAOCZ01 - Flood Evacuation Plan

Flood evacuation plan shall be prepared by suitably qualified person. The documents showing the compliance of above shall be submitted to and approved by Principal Certifier.

The evacuation plan shall be in force at all times.

(Reason: To ensure safety)

128. DAOCH10 - Splay Corner

To ensure satisfactory sight distances, prior to the issue of an Occupation Certificate a 2.5m x 2.5m splay at the corner of Mark Street and lane way (David Place) and a 3m x 3m splay at the corner of Marsden Street and Mark Street shall be provided.

(Reason: Facilitate splay corner)

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

129. DAOUA06 - Trading Outside the Building

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

(Reason: Safety and amenity)

130. DAOUA07 - Deliveries

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 7:00am or after 10:00pm Monday to Sunday.

(Reason: To control noise impacts)

131. DAOUA09 - Business/Trade Commercial Waste Collection

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

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

132. DAOUA10 - Removal of Litter and Graffiti

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

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

133. DAOUA14 - Hours of Business Operation

The hours of operation are restricted to between:

- 6:00am to 10.00pm on Mondays to Saturdays, excluding public holidays; and
- 9:00am to 6:00pm on Sundays or public holidays.

(Reason: To minimise amenity impacts for nearby land)

134. DAOUA19- Lighting Nuisance

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

(Reason: Environmental amenity)

135. DAOUA20 - Loading

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

(Reason: Adequate servicing)

136. DAOUA27 - Boarding House - Use & 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 Boarding Rooms and Lodgers

The maximum number of occupants (including an on site manager) related to the boarding house shall not exceed 465 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. 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)

142. DAOUC15 - Noise - Residential buildings

The air conditioner/s/ mechanical ventilation systems any rainwater tank pumps 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)

143. DAOUC17 - Structure Borne Noise

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

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

(Reason: To protect residential amenity)

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 prepared by Dickens Solutions, dated August 2025, reference Ref-24162. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

146. 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)

147. DAOUE03 - Parking

At least 126 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)

148. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

149. DAOUG10 - Places of Shared Accommodation

The maximum number of persons accommodated in the premises shall not exceed 621.

(Reason: To ensure health and amenity)

150. DAOUH04 - Delivery Vehicle Size Limit

The largest vehicle delivering to the premises (on the ground floor) shall be limited to a heavy rigid vehicle as defined in Australian Standard AS2890.2:2018.

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

151. 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)

152. DAOUI01 - Plan of Management

The Boarding house and Co-living housing shall be operated and managed in accordance with the relevant Plan of Management, prepared by Strathfield Partners dated August 2025. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. **Any changes to the Plan of Management are not to be undertaken without the approval of Council.**

(Reason: To protect residential amenity)

153. DAOUI05 - Co-living Housing

From the day on which an occupation certificate is issued for the development-

- a) the co-living housing must be managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, and
- b) notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and
- c) private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents.

(Reason: Compliance with s.85 of the Environmental Planning and Assessment Regulation 2021)

154. DAOUI06 - Use for Boarding House

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

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 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: Compliance with s.83 of the Environmental Planning and Assessment Regulation 2021)

155. DAOUZ01 - Noise Amenity

In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost, engage a suitably qualified acoustic consultant to undertake a noise assessment in accordance with the requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). The assessment must include background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI and make recommendations on how any identified noise impacts can be addressed. These recommendations must then be implemented by the site operator in a timely manner.

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

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.

157. 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.

158. 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.

159. 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.

160. 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.

161. DAANN12 - Works/Construction Zones

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

162. DAANN13 - Work Health and Safety

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

163. DAANN16 - Compliance with Disability Discrimination Act

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

164. 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.