

**DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT**

Under the *Environmental Planning and Assessment Act, 1979*

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|------------------------------|---|
| Application No: | DA2020/0220 |
| Applicant: | Mr C Gorton Level 2 66 Wentworth Avenue SURRY HILLS NSW 2010 |
| Property Description: | 233 Merrylands Road MERRYLANDS NSW 2160, 249-259 Merrylands Road MERRYLANDS NSW 2160 & 52-54 McFarlane Street MERRYLANDS NSW 2160 Lot 27 Sec A DP 7916, Lot 28 Sec A DP 7916, Lot 29 Sec A DP 7916, Lot 5 DP 244047, Lot 6 DP 244047, Lot 7 DP 244047, Lot 8 DP 244047, Lot 9 DP 244047, Lot 10 DP 244047, Lot 25 Sec A DP 7916, Lot 26 Sec A DP 7916, Lot 22 Sec A DP 7916, Lot 5 DP 17401, Lot 10 DP 814298, Lot 12 DP 1178575 |
| Development: | Construction of mixed use development comprising 5 mixed use buildings, including retail and commercial tenancies, childcare facility and 790 residential apartments, over 4 levels of basement parking, associated stormwater, public domain and landscaping works - Integrated Development (<i>Water Management Act 2000</i>) |
| Determined by: | SCCPP |

CONDITIONS OF CONSENT**DEFERRED COMMENCEMENT CONDITIONS****1. Deferred Commencement Approval**

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 5 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

Schedule 'A'**2. New Road/Lane Connecting McFarlane Street, Merrylands Road and Main Lane**

A detail design of laneway/road linking Main Lane, McFarlane Street and Merrylands Road and the extension of Main Lane shall be submitted to and approved by Cumberland City Council's Manager Engineering and Traffic. In this regard:

- a) Detail design of roads including kerb & gutter and footpath, street drainage system, setting out plans, signposting and design contour plans and street lighting plans shall be submitted for assessment.
- b) Public domain design shall be submitted.
- c) Construction methodology and construction programme shall be submitted.
- d) Signposting and line marking plans shall be submitted to and approved by Council's Local traffic committee.
- e) Written approval from relevant authorities' shall be obtained for the street lighting upgrade at the intersection and other required service adjustments.

- f) All the dimensions shall be marked on the plans.
- g) All the costs shall be borne by the applicant.

Note: All inspections are to be undertaken in consultation with Cumberland City Council and an inspection schedule will be provided to the Applicant by Council. The terms of this schedule are to be adhered to by the Applicant and the relevant certifying authority through every stage of the works, subject to this condition.

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

3. **Sydney Water**

The proponent shall make suitable arrangements with Cumberland City Council and Sydney Water for the adjustment and deviation of the existing Sydney Water stormwater assets to ensure no buildings are proposed over or within 1 metre of the stormwater asset footprint. In this regard, details contained in the Sydney Water 'Building Over and Adjustment Guidelines' should be considered, for further detail. The design shall be prepared in consultation with Council and Sydney Water.

All adjustment and deviation works are to be undertaken at no cost to Sydney Water and Council.

Reason: (To ensure proposed modification works are approved by Sydney Water and Council)

4. **Amended Stormwater Design and Flood Investigation Report**

The Stormwater plan and design shall be updated to reflect any changes to the proposed culvert realignment. In this regard, updated design and calculations shall be submitted to and approved by Council.

Detail shall comply with Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third edition), and Council's on-site detention policy.

An updated flood advice letter shall be obtained and the Flood Investigation Report shall be updated.

Reason: (To ensure stormwater and flood control comply with Council's DCP)

GENERAL CONDITIONS

5. **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)

6. **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.

| <i>Reference/Dwg No</i> | <i>Rev</i> | <i>Title/Description</i> | <i>Prepared By</i> | <i>Dated</i> |
|-----------------------------------|-------------------|----------------------------------|---------------------------|---------------------|
| <i>Architectural Plans</i> | | | | |
| 19011 / DA-10-003 | 02 | Street Network and Site Strategy | Turner | 10/08/2020 |
| 19011 / DA-100-004 | 01 | Site Plan | Turner | 5/03/2020 |
| 19011 / DA-110-004 | 01 | Basement 04 | Turner | 5/03/2020 |
| 19011 / DA-110-005 | 01 | Basement 03 | Turner | 5/03/2020 |
| 19011 / DA-110-006 | 01 | Basement 02 | Turner | 5/03/2020 |
| 19011 / DA-110-007 | 01 | Basement 01 | Turner | 5/03/2020 |
| 19011 / DA-110-008 | 01 | Ground Level | Turner | 5/03/2020 |
| 19011 / DA-110-010 | 01 | Level 01 | Turner | 5/03/2020 |
| 19011 / DA-110-020 | 01 | Level 02 | Turner | 5/03/2020 |
| 19011 / DA-110-030 | 01 | Level 03 | Turner | 5/03/2020 |
| 19011 / DA-110-040 | 01 | Level 04-05 | Turner | 5/03/2020 |

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| 19011 / DA-110-060 | 01 | Level 06-10 | Turner | 5/03/2020 |
| 19011 / DA-110-060 | 01 | Level 11-12 | Turner | 5/03/2020 |
| 19011 / DA-110-130 | 01 | Level 13 | Turner | 5/03/2020 |
| 19011 / DA-110-140 | 01 | Level 14-15 | Turner | 5/03/2020 |
| 19011 / DA-110-160 | 01 | Level 16 | Turner | 5/03/2020 |
| 19011 / DA-110-170 | 01 | Level 17 | Turner | 5/03/2020 |
| 19011 / DA-110-780 | 01 | Level 18-20 | Turner | 5/03/2020 |
| 19011 / DA-110-210 | 01 | Level 21 | Turner | 5/03/2020 |
| 19011 / DA-110-220 | 01 | Level 22 | Turner | 5/03/2020 |
| 19011 / DA-110-230 | 01 | Level 23 | Turner | 5/03/2020 |
| 19011 / DA-110-240 | 01 | Level 24 | Turner | 5/03/2020 |
| 19011 / DA-110-250 | 01 | Roof Level | Turner | 5/03/2020 |
| 19011 / DA-111-010 | 01 | Child Care | Turner | 5/03/2020 |
| 19011 / DA-210-001 | 02 | Streetscape Elevation McFarlane Street | Turner | 10/08/2020 |
| 19011 / DA-210-002 | 02 | Streetscape Elevation Treves Street | Turner | 10/08/2020 |
| 19011 / DA-210-003 | 02 | Streetscape Elevation Merrylands Road | Turner | 10/08/2020 |
| 19011 / DA-220-001 | 01 | North Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-002 | 01 | West Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-003 | 01 | South Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-004 | 01 | East Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-005 | 01 | Building C & B East Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-006 | 01 | Building A & D West Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-007 | 01 | Building D & A East Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-008 | 01 | Building E West Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-009 | 01 | Building A & B South Elevation | Turner | 5/03/2020 |
| 19011 / DA-220-010 | 01 | Building C, D & E North Elevation | Turner | 5/03/2020 |
| 19011 / DA-310-001 | 01 | Section AA - Eat Street and Building C | Turner | 5/03/2020 |
| 19011 / DA-310-002 | 01 | Section BB - Building A & New Lane | Turner | 5/03/2020 |
| 19011 / DA-310-003 | 01 | Section CC - Through Building E | Turner | 5/03/2020 |
| 19011 / DA-310-004 | 01 | Section DD - Through Building B & New Lane | Turner | 5/03/2020 |
| 19011 / DA-310-005 | 01 | Section EE - Through Building C, D & E | Turner | 5/03/2020 |
| 19011 / DA-320-001 | 01 | Section HH - Through Carpark Ramps Building A | Turner | 5/03/2020 |
| 19011 / DA-320-002 | 01 | Section II - Through Carpark Ramps Building A | Turner | 5/03/2020 |
| 19011 / DA-320-003 | 01 | Section JJ - Through Carpark Ramps Building E | Turner | 5/03/2020 |
| 19011 / DA-320-004 | 01 | Section KK & LL - Loading Docks | Turner | 5/03/2020 |
| 19011 / DA-320-005 | 01 | Section Pool Details | Turner | 5/03/2020 |
| 19011 / DA-710-101 | 02 | Staging Plan - Stage 1/2 | Turner | 10/08/2020 |
| 19011 / DA-710-102 | 02 | Staging Plan - Stage 2/3 | Turner | 10/08/2020 |
| 19011 / DA-710-103 | 02 | Staging Plan - Stage 4 | Turner | 10/08/2020 |
| 19011 / DA-810-001 | 01 | Pre and Post Adaptable Layouts | Turner | 5/03/2020 |
| 19011 / DA-820-001 | 01 | Apartment Typologies Studio & 1Bed | Turner | 5/03/2020 |
| 19011 / DA-820-002 | 01 | Apartment Typologies 2Bed | Turner | 5/03/2020 |

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| 19011 / DA-820-003 | 01 | Apartment Typologies 2Bed | Turner | 5/03/2020 |
| 19011 / DA-820-004 | 01 | Apartment Typologies 3Bed | Turner | 5/03/2020 |
| 19011 / DA-890-001 | 01 | Materials & Finishes 01 | Turner | 5/03/2020 |
| 19011 / DA-890-002 | 01 | Materials & Finishes 02 | Turner | 5/03/2020 |
| 19011 / DA-890-003 | 01 | Materials & Finishes 03 | Turner | 5/03/2020 |
| 19011 / DA-890-010 | 01 | Materials & Finishes Sample Board | Turner | 5/03/2020 |
| Subdivision Plan | | | | |
| 31108 / 42879PS | A | Plan of Proposed Subdivision | LTS Lockley | 13/08/2020 |
| Landscape Plans | | | | |
| Pages 1 to 35 (inclusive) | - | Merrylands, Coronation Landscape Architecture Proposal | Taylor Brammer Landscape Architects Pty Ltd | 5/03/2020 |
| Stormwater Plans | | | | |
| 2660-DA-SW010 | B | Stormwater Concept Drawing Basement Level 4 and Pump Out Tank Details and Notes | Mance Arraj Civil and Structural Engineers | 17/03/2020 |
| 2660-DA-SW020 | B | Stormwater Concept Drawing Ground Level | Mance Arraj Civil and Structural Engineers | 17/03/2020 |
| 2660-DA-SW030 | B | Stormwater Concept Drawing Level 1 | Mance Arraj Civil and Structural Engineers | 17/03/2020 |
| 2660-DA-SW040 | B | Stormwater Concept Drawing Level 2 | Mance Arraj Civil and Structural Engineers | 17/03/2020 |
| 2660-DA-SW050 | A | Stormwater Concept Drawing OSD Tank A and WSUD Tank A Plan and Section Details | Mance Arraj Civil and Structural Engineers | 21/02/2020 |
| 2660-DA-SW060 | A | Stormwater Concept Drawing OSD Tank B and WSUD Tank B Plan and Section Details | Mance Arraj Civil and Structural Engineers | 21/02/2020 |
| 2660-DA-SW070 | A | Stormwater Concept Drawing OSD Tank C and WSUD Tank C Plan and Section Details | Mance Arraj Civil and Structural Engineers | 21/02/2020 |
| 2660-DA-SW080 | A | Stormwater Concept Drawing OSD Tank D and WSUD Tank D Plan and Section Details | Mance Arraj Civil and Structural Engineers | 21/02/2020 |
| 2660-DA-SW090 | B | Stormwater Concept Drawing OSD Tank E and WSUD Tank E Plan and Section Details and OSD Catchment Plan | Mance Arraj Civil and Structural Engineers | 17/03/2020 |

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| ESCP | | | | |
| 2660-DA / ER010 | A | Sediment and Erosion Control Drawing | Mance Arraj Civil and Structural Engineers | 21/02/2020 |
| Reports | | | | |
| 29068-2 | 01 | BASIX Report | Wood and Grieve Engineers/Stantec | 7/04/2020 |
| 29068-2 | 001 | Acoustic Report | Wood and Grieve Engineers/Stantec | 7/04/2020 |
| 249-259 Merrylands Road, Merrylands:WMP | 2 | Waste Management Plan | MRA Consulting Group | 6/08/2020 |
| 19011_A12_2000319 | 01 | Design Statement | Turner | 19/03/2020 |
| DL3692_S005763 | - | Remediation Action Plan | DLA Environmental Services | November 2016 |
| IDAS1127562 | - | General Terms of Approval | Water NSW | 7/09/2020 |

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

7. **Integrated Development Approval**

Since the development is classified as "integrated development", the following approval bodies have given their general terms of approval:

- NSW Water - *Water Management Act 2000* Section 90(2).

The issued general terms of approval must be fully complied with at all times.

(Reason: Statutory compliance)

8. **Staging of Construction Works**

The development shall be completed in stages, in accordance with the endorsed Staging Plans, as listed within Condition No. 6, from the date of this development consent, Cumberland City Council Executive Manager Development and Building.

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

9. **Staging Requirements**

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

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

| STAGE | WORKS |
|--------------|--|
| 1 | Subdivision of land and dedication of eastern portion of new road, i.e. proposed Lot 4 to Council Construction of Main Lane temporary access road |
| 2a | Construction of Basement Levels 1-4 (Northern Wing) |
| 2b | Construction of ground floor Buildings A, B & C (Northern Wing) Construction of Eat Street |
| 2c | Construction of Building A |
| 2d | Construction of Building B |
| 2e | Construction of Building C |
| 3 | Existing Sydney Water culvert to be relocated |

Construction of temporary access road along Main Lane alignment once culvert works completed

4a Construction of Basement Level 1-4 (Southern Wing)

4b Construction of ground floor Buildings D & E

4c Construction of Building D

4e Construction of Building E
Construction of Main Lane for dedication to Council

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

10. Child Care Centre

Consent is granted for the construction of a Child Care Centre within Building B on Level 01 having a maximum capacity of up to 60 children. The use of the Child Care Centre is not approved as part of this consent.

The use of the Child Care Centre is subject to a separate Development Application, demonstrating compliance with the Education and Care Services National Regulations, including the issue of concurrence from the regulatory authority for the simulated outdoor play area.

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

Note: A license will be required from the Department of Education and Communities (DEC).

(Reason: Clarify approved use)

11. Separate Use Approvals

Separate Development Approval shall be obtained for the fit-out and use of the commercial/retail tenancies of the development.

(Reason: To control the future development of the site)

12. Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

13. 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 the relevant Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

(Reason: Information)

14. Construction works Outside Approved Construction Hours

In the event that works outside the approved hours of construction are required, e.g. concrete pours, a written request is to be made to the Executive Manager Development and Building at least 30 days prior to the works occurring. Any such request is to be accompanied by the following documents:

- Details of proposed hours;
- Acoustic advice;
- Construction Traffic Management Plan.

No works shall be undertaken until the written approval of Council has been received and surrounding residents have been provided a minimum seven (7) days written notice.

(Reason: To facilitate works out of standard construction hours)

15. TfNSW Requirements

- a) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
- b) Sight distances from the proposed vehicular crossings to vehicles are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 - Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- c) Bicycle Parking should be provided in accordance with AS2890.3.
- d) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

(Reason: TfNSW concurrence requirements)

16. Basement Drainage System

Basement drainage is to comply with Council's development control plans. In this regard:

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- iv) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- v) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- vi) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- vii) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: to prevent localised flooding)

17. Design and Construction Specifications

All engineering works shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:

- Council's Specification for Subdivisions and Developments;
- Council's Development Control Plan;
- AUSTROADS - Guide to Traffic Engineering Practice
- Australian Standard AS1742.13 - Manual of Uniform Traffic Control Devices, Part 13 - Local

- Area Traffic Management
- RMS Technical Directions
- For any works proposed or required within the existing public roads, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of the road authority (Council or RMS). In this regard the authority which is accountable for the particular area of the road reserve shall be as per the Roads Act. The design and construction of the above works shall be to the total satisfaction of the relevant road authority.

(Reason: to ensure design and construction comply with relevant standards)

18. 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)

19. Clothes Drying Facilities

Adequate clothes drying facilities shall be made available for the residential units, e.g. the provision of drying cupboards. All clothes drying areas/facilities are to be screened from public view. Alternatively, provision is to be made for clothes dryers within each residential unit.

(Reason: To protect amenity)

20. 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)

21. Street Numbering of Lots and Units

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council. Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of property for emergency services and mail deliveries)

22. Telecommunications/ TV Antennae

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

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

23. 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)

24. Future Use of Commercial Tenancies

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: To ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation)

25. Privacy Measures

For the balconies of those units which maintain a non-compliant ADG building separation distance, minimum 1.5m high from finished floor level, sliding stackable privacy screens with a minimum 50% transparency and minimum width of 1m (each) are to be provided.

(Reason: Privacy measures)

26. Surface Runoff

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

(Reason: to prevent adverse impact on adjoining properties)

27. Service Relocation/Adjustment

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

(Reason: to protect utility services)

28. Bond Positive Covenant

The applicant shall lodge with Council a **\$6290** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.

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

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

29. Application for a Construction Certificate

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

(Reason: Statutory requirement)

30. Surrender of Consent

Prior to the issue of any Construction Certificate, the Applicant shall surrender the consent relating to DA No. DA2016/127 for the demolition of existing structures; construction of five (5) mixed use buildings ranging in height between 10 and 17 storeys, over two separate basements, ranging between 2 and 5 levels accommodating a total of 562 residential units; 7,876sqm of commercial floor space; 742 car parking spaces; construction of a new road and Torrens subdivision into 5 lots at 233-259 Merrylands Road and 52-54 McFarlane Street, Merrylands, by submitting a notice of surrender of consent to Council in accordance with Clause 97 of the Environmental Planning and Assessment Regulation 2000.

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

31. Registration of Subdivision

The endorsed Torrens Title Plan of Subdivision subject to Development Consent DA2020/0220 must be registered with the NSW Land Registry Services prior to the issue of any Construction Certificate.

(Reason: To ensure the subdivision is registered prior to the issue of any Construction Certificate)

32. Dedication of Lot 4

Prior to the issue of any Construction Certificate, Lot 4 in the endorsed Plan of Subdivision is to be dedicated to Cumberland City Council, at no cost to Council.

All costs associated with the land transfer to Council shall be borne by the Applicant.

(Reason: to facilitate the orderly development of the site)

33. Amended Architectural Plans

Prior to the issue of any Construction Certificate, amended Architectural Plans are to be provided to and approved by Council's Executive Manager Development and Building, demonstrating the following: -

- a) Greater variety in utility, size and character of the Communal Open Spaces throughout the development.
- b) Eat Street comprising a 'Shared Zone', to facilitate pedestrian activity within a low speed environment through the provision of a maximum 10km/hr speed limit, textured surfaces and other treatments to clearly demarcate it as a pedestrian priority space).
- c) Coordination of documentation to ensure that manifestation of all built elements is accurately represented in the architectural documents.

(Reason: Cumberland Design Excellence Panel requirement)

34. Acoustic Assessment

Prior to the issue of any Construction Certificate:

- (a) A further acoustic assessment must be undertaken by a suitably qualified acoustic consultant taking into account the DA approved acoustic assessment prepared by Wood and Grieve Engineers dated 7 April 2020 reference 29068-2 to include consideration of the following items:
 - Noise from waste collection and food delivery vehicles;
 - Noise intrusion into the residential areas of this development;
 - Noise impacts from all final selected mechanical plant and noise generating equipment to be installed at the site including although not limited to swimming pool pumps, mechanical ventilation, lift motors, refrigeration equipment, plant rooms and any other mechanical plant selected for the proposed use.
 - Cumulative noise impact of the proposed development onto the closest sensitive receivers demonstrating compliance with all relevant noise criteria set out in the NSW EPA Noise Policy for Industry (NPF1); and
- (b) A copy of this report must then be submitted to the Environmental Health team at Cumberland Council for assessment and approval; and
- (c) the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Wood and Grieve Engineers dated 7 April 2020 Reference 29068-2 and additional acoustic assessment required in part (a) of this condition.

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

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

35. Acoustic Report

A separate Acoustic Report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report must demonstrate compliance with the criteria set out in the EPA document Noise Policy for Industry and consider noise and vibration from the proposed gym/theatre space/music room (shown on drawing number DA-110-020, project number 19011).

Following the review of the acoustic report for the gym/theatre space and music room, amendments to that report may be required to the satisfaction of Cumberland Council.

(Reason: To protect Residential Amenity)

36. Disabled Access & Facilities

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

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

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

37. Works within Boundary

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

(Reason: To ensure protection of adjoining properties)

38. Photographic Record of Council Property - Damage Deposit

The applicant shall submit to Council prior to the issue of the relevant Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site.

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

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

(Reason: Maintain public assets)

39. Damage Deposit for Council Infrastructure

A Damage Deposit fee of **\$6,470** shall be paid to Council prior to the issue of the relevant Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

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

(Reason: To protect Council infrastructure)

40. Payment of Bonds, Fees and Long Service Levy

The Principal Certifier is to ensure and obtain written proof prior to the issue of the relevant 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)

41. Section 7.11 Contribution

Prior to the issue of the relevant Construction Certificate, for the each stage as identified below, a monetary contribution imposed under section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Cumberland Local Infrastructure Contribution Plan 2020, for 790 units comprising, 393 x studio/1 bedroom units, 379 x 2 bedroom units and 18 x 3 bedroom units, is to be paid to Council.

At the time of this development consent, the current rate of the contribution is **\$9,972,626.86**.

This contribution is to be paid on the following basis:

- **Payment 1 \$ 2,737,514.47** (Stage 2c in endorsed Staging Plan -Building A)
- **Payment 2 \$1,582,666.92** (Stage 2d in endorsed Staging Plan -Building B)
- **Payment 3 \$1,104,653.10** (Stage 2e in endorsed Staging Plan -Building C)

- **Payment 4** **\$1,754,589.98** (Stage 4c in endorsed Staging Plan -Building D)
- **Payment 5** **\$2,793,202.39** (Stage 4d in endorsed Staging Plan -Building E)

A copy of the Cumberland Local Infrastructure Contribution Plan 2020 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

42. Fees to be paid to Council prior to issue of the Relevant Construction Certificate

| | |
|----------------------------------|--|
| Damage Deposit | \$6,470.00 |
| Sect. 7.11 Contributions (+ CPI) | Payment 1 \$ 2,737,514.47 (Stage 2c in endorsed Staging Plan -Building A) Payment 2 \$1,582,666.92 (Stage 2d in endorsed Staging Plan -Building B) Payment 3 \$1,104,653.10 (Stage 2e in endorsed Staging Plan -Building C) Payment 4 \$1,754,589.98 (Stage 4c in endorsed Staging Plan -Building D) Payment 5 \$2,793,202.39 (Stage 4d in endorsed Staging Plan -Building E) |
| Traffic Management Plan | \$250.00 |
| TOTAL | \$9,979,346.86 + CPI where applicable |

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

(Reason: Statutory requirement and information)

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

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

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

The above does not prevent the entry into an arrangement with the Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the Cumberland Local Infrastructure Contribution Plan 2020.

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

43. Ramp Gradients

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

Copy of the approved plan shall be submitted to Council.

(Reason: to ensure the access ramp comply with Australian Standard AS28890.1:2004)

44. Footpath Design Levels

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

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

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

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

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

(Reason: Public infrastructure)

45. Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent to 233 Merrylands Road, Merrylands including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

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

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

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

46. Vehicular Crossings, Redundant Vehicular Crossings and other Works

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

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

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

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

47. Hoardings

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

(Reason: Safety & information)

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

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

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

(Reason: Protection of Public Assets and information)

49. Protection of Public Places

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

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

(Reason: Safety)

50. Construction Management Plan

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

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

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

51. Construction Traffic Management Plan (CTMP)

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

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

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) Number of trucks.
- c) Hours of operation.
- 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)

52. Off Street Car Parking - Multiple Use Buildings

The following car parking requirements apply to the development:

Basement 1 (Northern Wing - Buildings A & B)

- a) Residential - 329 spaces
- b) Visitor - 86 spaces
- c) Commercial (incl. retail) - 107 spaces
- d) Child care centre - 15 spaces

Basement 2 (Southern Wing - Buildings C, D & E)

- a) 275 residential
- b) 73 visitor
- c) 51 commercial spaces

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

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard 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 persons visiting residents located within the development.

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 Principal Certifier prior to the issue of the relevant Construction Certificate.

(Reason: Parking and access)

53. Parking Layout

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

Copy of the approved plan shall be submitted to Council.

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

54. Minimum Headroom - Adaptable Parking Spaces

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

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

(Reason: to ensure headroom complies with AS2890)

55. Headroom Clearance

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

(Reason: to ensure the access ramps comply with Australian Standard AS2890.1:2004)

56. Splay Corners

The ground floor of the development shall make provisions for a 4 metre by 4 metre splay setback (curved or straight) within the site. The ground floor setback shall be provided for the new roads and where the new road intersect. In this regard, the applicant shall address the following:

- a) Ensure no structures at ground level (excluding the awning) encroach over the splay setback.
- b) The designer shall also ensure that the awning proposed maintains a minimum 600mm setback from the kerb return.

Detail plan shall be submitted to and approved by Cumberland Council's Manager Engineering and Traffic.

(Reason: To ensure splay is provided to improve the sight distances as per DCP requirements)

57. Main Lane Extension

a) The applicant shall construct an access road linking Main Lane, McFarlane Street and Merrylands Road and extension of Main Lane to provide access to the site. The final design shall coincide with Council's Road and Drainage Design for the Merrylands CBD Precinct and the works are to be constructed in accordance with the plans approved by deferred commencement Condition no. 2 of this consent.

- The cross sections and long sections for the roadway shall comply with Australian Standards, RMS guides and Council's specifications.
- Road pavements shall be designed by a Professional Civil Engineer with NPER3 accreditation based upon soil tests performed by a registered N.A.T.A Soils Laboratory. The pavement and designs plus traffic loadings and associated Geotechnical report for the proposed roadway detailing the strength of the existing sub-grade.
- Vehicular Crossings shall be provided in accordance with Council's Vehicular Crossing Policy and coincide with the future finished levels of the new road.
- All kerb returns shall be shown with 150mm kerb and gutter starting at the tangent point of the road.
- Traffic sign posting and line markings shall be provided for the new roadway. In this regard, the sign posting and line marking shall be in accordance with RMS Guidelines and accepted by Council's Traffic Engineer. Plans shall be submitted to Council for assessment.
- Proposed new signs and line marking plan for the proposed new laneways is subject to Traffic Committee approval. Plans shall be prepared and submitted to Council.
- All pavement line marking proposed on the new roads shall be thermoplastic.

(Reason: to ensure design and construction comply with Council's requirements)

58. 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 relevant Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier with the relevant Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

59. On Slab Landscaping

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

(Reason: To ensure the site landscaping thrives)

60. Stormwater Disposal

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of schedule A condition.
- ii. The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third edition), and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate. The following shall also be addressed:
- iii. Stormwater calculations and design shall be updated with invert level of the Council's pipe at the proposed connection point.
- iv. High early discharge control shall be provided as per council's DCP requirements.
- v. Dry platform and weep hole details shall be clearly shown on the plan.
- vi. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- vii. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- viii. Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.
- ix. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.
- x. OSD shall be clear of building floor and roof areas.

(Reason: to prevent localised flooding)

61. Detailed Stormwater Drainage System Design

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

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

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

(Reason: Stormwater management)

62. Certification of the Stormwater Drainage System Design

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

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

(Reason: Adequate stormwater management)

63. Construction or Redirection of a Stormwater Drainage System

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

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

(Reason: Protection of existing drainage infrastructure)

64. Stormwater Management

Full details of the hydraulic evaluation of the entire stormwater drainage system shall be prepared by a practicing Civil Engineer with NPER3 accreditation. Plans shall include details for the design and construction of a stormwater drainage system for the collection and disposal of all roof and surface water drainage from the site. In this regard:

- a) All of the design drainage modelling and the design plans shall be provided to Council in electronic format.
- b) All design and construction shall be done in accordance with the latest addition of Australian Rainfall and Runoff, and the NSW Floodplain Management Manual (April 2005) except if specified otherwise in the following conditions and/or Councils' Specification for Subdivisions and Developments, including the Standard Plans therein. The design of the conduit bedding and class shall also be based on the construction loading received during construction of the development.
- c) As per Clause 1.6.4, Note 3, of Councils' Specification for Subdivisions and Developments, all stormwater conduits shall have the size, class, manufacturers name, and date of manufacture, indelibly marked on the obvert of each conduit length.
- d) As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking', shall be complied with. Satisfactory testing shall be carried out at subgrade level, prior to proceeding with the next layer.
- e) The material and installation of the proposed drainage structures including pits, pipes, channels and culverts shall be resistant to the effects of salinity.
- f) No headwalls shall discharge stormwater into lots created by this development, i.e. all drainage through the proposed lots shall be piped. Headwalls and discharges are permitted into proposed/future public open space and future roads.
- g) Maintenance schedules for the Gross Pollutant Traps shall be submitted to Council.

- h) The proposed stormwater pipelines draining the public property (proposed and existing) shall be designed at a minimum grade of 1% and shall be designed to convey a minimum 20% AEP storm event. In this regard, the hydraulic grade line for the 20% AEP and 1% AEP storm events shall be included on the long-section of the proposed drainage system. All conduits draining public property shall be RCP (flush joints with sand band joints), FRC pipes or precast reinforced concrete box culverts; for slopes equal to or greater than 10%, the pipes shall be RRJ.
 - i) Full detailed designs and calculations for the proposed road drainage system shall be submitted to Council which include all pipe sizes and grades, pit sizes and locations including their surface and invert levels, long section of the proposed drainage system and the location of overland flow paths which shall be designed to convey the 1% AEP storm event. The street drainage system shall be designed using a computer-modelling program, eg. IIsax, and shall be to the satisfaction of Council's Engineer.
 - j) The culvert relocation works within the site shall be to the satisfaction of Sydney Water and Council.
- Note: The applicant shall liaise with Council's Engineer to ensure that the public drainage system coincides with Council's final design of the laneway and drainage design.
- k) All high hazard stormwater flows up to the 1% AEP storm, as defined by the NSW Floodplain Management Manual (April 2005) shall be eliminated.

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

65. **Flooding**

The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate and the following shall also be addressed:

- a) Updated flood advice letter shall be obtained from Council.
- b) Demonstrate compliance with the Flooding Advice letter.
- c) Design and construction of the shop fronts along McFarlane Street, Treves Street and Merrylands Road is flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard).
- d) A notation on the plans shall be provided ensuring that 'All electrical switchboards, electrical signs/connections and power points shall be built 0.5m above the ground level' for retail areas RTA01, RTA 02 and entrance of RTC04.
- e) A notation on the plans shall be provided ensuring that 'All fixed materials (i.e. flooring, glazing etc.) from 0.5m above the ground level shall be built with flood compatible materials for retail areas RTA01, RTA02 and entrance of RTC04.in accordance with Council's requirements.
- f) All the floor levels, except RTA01, RTA02 and entrance of RTC04, shall be 500mm above 1% AEP flood level.
- g) Coronation area floor level shall be raised to 500mm above 1% AEP flood level.

Flood gates can be considered as an alternate solution to address the issue of flooding of the ground floor tenancies.

(Reason: to ensure development complies with flood advice letter and Council's DCP)

66. **Water Sensitive Urban Design**

The development site has been identified as requiring WSUD which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate and the following shall also be addressed:

- a) Demonstrate compliance with WSUD as stipulated in Stormwater Management Plan dated February 2020 prepared by Mance Arraj.

(Reason: to ensure WSUD is incorporated in the CC plans)

67. Dilapidation Report

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

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

Please note:

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

(Reason: To ensure there is an adequate record of the state of neighbouring properties prior to works commencing on site)

68. Salinity

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

(Reason: Ensure appropriate construction methods are used)

69. Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate or the relevant works commencing, whichever occurs first.

(Reason: Ensure services are not disturbed)

70. Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer. Details are to be submitted with the application for the relevant Construction Certificate.

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

71. Residential Car Wash Bay

A car wash bay is to be provided at each of the residential flat building sites (4) for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of pre-treatment devices. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

Details are to be submitted to the Certifying Authority prior to release of the relevant Construction Certificate.

(Reason: To protect the environment)

72. Waste Storage Area

A designated waste and recyclable storage room must be provided in each of the four (4) residential/commercial buildings on the premises in accordance with the following requirements:

- (a) Residential and commercial waste must be stored in separate waste storage rooms;
- (b) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- (c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- (d) A hot and cold hose cock shall be provided within the room;
- (e) Waste storage rooms must be located where they can be easily accessed by waste collection vehicles causing minimal to no disturbance to residents by way of odour and acoustic amenity.

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

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

73. Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

74. Street Lighting

All proposed awnings (over footpath areas) shall be located clear of the existing street lighting in accordance with Endeavour Energy's requirements.

Prior to the issue of the relevant Construction Certificate, high standard lighting of the temporary access shall be designed by a suitably qualified person. Design plans for lighting shall be forwarded to Council for approval, after approval has been obtained from the responsible utility authority for lighting and shall be in accordance with AS 1158. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the Applicant.

The proposal shall include details of all lighting fixtures being proposed and underground power reticulation shall be allowed for in the design. The following shall also be provided:

- Lighting design category shall be provided by Council.
- Light poles and lanterns shall be plain hot dipped galvanised steel and to Endeavour Energy Rate (2) two type or equivalent.

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

75. Public Domain Works

Detailed designs and specifications shall be prepared by a qualified Landscape Architect and Civil Designer and submitted to the Council prior to any civil and landscape works being undertaken on the road reserve. The Public Domain works proposed along the site fronting Treves Street, McFarlane Street and Merrylands Road will consist of the following:

- Kerb and gutter upgrades and realignment, including landscaped blisters
- Bluestone pavers for footpaths;
- Landscaping and street trees, including tree guards and protectors;
- Seats and benches, including bus shelters;

- Rubbish bins;
- Tactile Ground Surface Indicators, DDA;
- Traffic and Parking signage

The above works shall generally be in accordance with Council's Merrylands Public Domain Strategy and design palette. The applicant shall liaise with Council's Engineer and Landscape Architect to ensure that the Public Domain works coincides with Council's final design.

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

76. Public Utilities

A detailed engineering plan with all public utilities layout shall be submitted to Council to ensure that street lights, electrical pillars, sewer manholes, street trees, vehicular crossings and footpaths do not conflict.

Alterations to existing services and/or installation and commissioning of new public utility services eg Water, Telephone, Gas, Electricity etc. and conduits for same shall be provided in accordance with the requirements of each utility authority at the applicant's expense. Reticulation of services shall be within the footpath area.

(Reason: to ensure changes to the public utility complies with Council's and relevant authority's requirements)

77. Site Cranes

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

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

(Reason: Safety and statutory compliance)

78. Engineering Fees

If it is the applicant's intention to engage Cumberland Council to undertake the checking of the engineering design plans and issue the Engineering Construction Certificate, it will be necessary to lodge all detailed engineering drawings and specifications in order that a quote for service may be provided.

(Reason: to advice of the inspection fee and relevant requirements)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

79. Demolition, Excavation, Construction Noise and Vibration Management Plan

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

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

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

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in

the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

80. Sediment and Erosion Control Plan - Large Sites

A site specific Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines for all construction, excavation and demolition phases of the development. All required erosion and sediment control measures at the site shall be installed and maintained in accordance with the site's Soil and Water Management plans for the duration of any demolition, excavation and construction works and in a way that minimises/prevents impacts on waterways. A copy of the plan must be kept on-site at all times and made available to Council Officers on request.

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

81. Appointment of Principal Certifier

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

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

(Reason: Statutory requirements)

82. 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;

- i. In the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
- ii. In the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - 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)

83. Site Safety Fencing

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

(Reasons: Statutory requirement and health and safety)

84. Principal Certifier Sign

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

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

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

(Reason: Statutory requirement)

85. Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

The Principal Certifier must ensure that the plans have been approved through the Sydney Water 'Tap in' process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

86. Notice of Requirements from Sydney Water

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

(Reason: To comply with statutory requirements)

87. 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)

88. Salinity

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

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

89. Dewatering (Groundwater/Water Table)

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

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

(Reason: To minimise/prevent impacts on the water table and nearby waterways)

CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT WORK

90. Construction Hours

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

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

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

(Reason: To minimise impacts on neighbouring properties)

91. Dust Control

Major Works

The following measures must be implemented (in part or in total) as directed by Cumberland City Council to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created 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.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland City Council.

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

92. 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)

93. Construction Management Plan

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

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

(Reason: Compliance with condition of consent)

94. 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)

95. General Site Requirements during Construction

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

- a) A single entrance is permitted to service the site for construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- b) No blasting is to be carried out at any time during construction of the building.
- c) Care must be taken during excavation/ building/ construction to prevent any damage to adjoining buildings.
- d) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- e) Any excess construction materials are to be recycled wherever practicable.
- f) The disposal of construction waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- g) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by

the *Protection of the Environment Operations Act 1997*. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.

- h) Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 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) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- l) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- m) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

96. Power Connection - Major Development

All power connection to the development shall be installed underground for all major development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter)

97. Communication Cabling

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

(Reason: Environmental Amenity)

98. Compliance with the Demolition, Excavation and Construction Noise and Vibration Management Plan

All demolition, excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

99. Classification of Waste

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

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

100. Importation of Fill

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

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

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

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

101. Land Remediation (Auditor Engaged)

The site is to be remediated and validated in accordance with the Remediation Action Plan prepared by DLA Environmental Services - Dated November 2016 - Report Reference DL3692_S005763. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

Any variations to the approved Remedial Action Plan shall be approved in writing by the Site Auditor prior to the commencement of such work.

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

102. Notification of New Contamination Evidence

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

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

103. Excavation Pump-out (Surface Water)

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

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

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

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

104. Road and Footpath Opening Permit

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

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

(Reason: Maintain public asset)

105. Obstruction of Road or Footpath

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

(Reason: Protection of infrastructure, safety & information)

106. Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

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

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

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

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Accredited Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

108. Salinity

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

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

109. Air Conditioning Units - Location

Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

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

110. Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

(Reason: To ensure that switchboards and service panels are appropriately located)

111. Anti-Graffiti Coatings

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

(Reason: To minimise the opportunity for graffiti)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE RELATING TO THE USE OF THE BUILDING OR PART

112. Occupation Certificate (section 6.9 of the Act)

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

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

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

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

(Reason: Statutory requirement)

113. Construction and Dedication of Lot 3 - Main Lane

Prior to the issue of any Occupation Certificate for the development, the Main Lane road reserve is to be constructed in accordance with Council's Road and Drainage Design for the Merrylands CBD Precinct and in accordance with the plans approved by deferred commencement condition no. 2 of this consent. Lot 3 (as identified in the endorsed Plan of Subdivision) shall be dedicated to Council, at no cost to Council.

In this regard:

- a) All the public domain work shall be completed to Council's satisfaction.
- b) All the cost associated with the above works including any service adjustments and street lighting shall be borne by the applicant.
- c) All associated inspections shall be carried out by Council. Inspection fees shall be paid as per Council's requirements.
- d) The above land dedication shall be undertaken at no cost to Council.
- e) A clearance letter shall be obtained from Cumberland Council's Manager Engineer and Traffic for the compliance of the above.

(Reason: to ensure road construction works are completed as per Council's requirements)

114. Final Clearance

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

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

115. S73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the

issue of the relevant Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

116. Engineers Certificate

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

(Reason: Structural certification)

117. Certification of Engineering Works

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

- (a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category,
- (b) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (c) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (d) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (e) Approved verses installed Drainage Design (OSD) Calculation Sheet. And
- (f) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

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

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

The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

(Reason: Asset management)

118. Provision of Street Numbers

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

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

119. Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior

to the issue of the relevant Occupation Certificate:

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

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

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

120. Construction of Concrete Footpath

A concrete footpath shall be constructed adjacent to the front of the property, to Council's satisfaction.

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

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

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

121. Mechanical Ventilation - Certificate of Completion

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

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

122. Acoustic Verification Report

Prior to the issue of the relevant Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- (a) All recommendations contained in the DA acoustic report prepared by Acoustic report prepared by Wood and Grieve Engineers dated 7 April 2020 reference 29068-2 and subsequent acoustic assessments required by this consent 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 subsequent acoustic assessments required by this consent are being complied with.

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

(Reason: To protect residential amenity)

123. Land Remediation and Validation

Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. Prior to the issue of any Occupation Certificate a Site Validation Report is to be prepared by a suitably qualified environmental consultant in accordance with the *Contaminated Land Management Act 1997* and any relevant guidelines endorsed by the NSW EPA.

The report is to satisfactorily document the following:

- a) The site has been remediated and validated in accordance with the recommendations set out within the Remediation Action Plan Prepared by DLA Environmental Services - Dated November 2016 - Report Reference DL3692_S005763.
- b) All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.
- c) The extent of validation sampling, and the results of the validation testing and monitoring.
- d) That the remediation and validation of the site has been undertaken in accordance with

Remediation Action Plan Prepared by DLA Environmental Services - Dated November 2016
- Report Reference DL3692_S005763 and details of any variations to the approved Remediation Action Plan which have been approved by a suitably qualified environmental consultant, with a copy of the documentation provided to Cumberland City Council.

- e) Where the variation alters the approved development consent plans, appropriate prior approval from Cumberland Council must be sought for the changes.
- f) That the site is suitable for the proposed approved use with clear justification.

(Reason: To ensure controls are in place for contamination management in accordance with SEPP55 - Remediation of Land)

124. Site Audit Statement

The Principal Certifier must not issue any Occupation Certificate unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

- a) Prior to the issue of a Construction Certificate associated with the built form of the development (excluding work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor.
- b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.
- c) Where the Site Audit statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved in writing before the Site Audit Statement is issued.
- d) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

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

125. Site Audit Statement subject to Environmental Management Plan

- a) Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor prior to the issue of the final Site Audit Statement.
- b) The owner of the land is required to comply with the ongoing obligations of any EMP, which form part of the final Site Audit Statement for the site.
- c) A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.
- d) A copy of the revised certificate of land title recording the covenant must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

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

126. Covenant & Restriction as to User for Stormwater Controlled Systems

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

Easement Registration

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

(Reason: Compliance and adequate maintenance of drainage system)

127. OSD Identification Plate

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

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

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

128. Maintenance Schedule OSD

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

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

129. On Street Drainage Construction

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

- a) A separate construction approval shall be obtained from Council's Engineering Section.
- b) Inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
 - i) After the excavation of pipeline trenches.
 - ii) After the laying of all pipes prior to backfilling.
 - iii) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services 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)

130. Structural Engineering Certificate

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

(Reason: to ensure the construction is structurally adequate)

131. CCTV System

Prior to the issue of any Occupation Certificate for a building, CCTV surveillance cameras shall be installed within the buildings and surrounding grounds of the development, placed in strategic locations such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the Police, upon request.

(Reason: To ensure that the development provides adequate visual surveillance and adequate records for the NSW Police to peruse if required)

132. Right of Way

Prior to the release of any Occupation Certificate, a right of carriageway within the meaning of Schedule 4A of the *Conveyancing Act 1919* is to be created as an easement in gross over the area marked (E1) on approved Drawing No. 31108/42879PS, Revision: A, dated 13/08/2020, Plan of Proposed Subdivision, under s.88A of the *Conveyancing Act 1919*.

Cumberland City Council shall be identified as the authority able to modify, vary or release the easement. Evidence that the easement has been registered on the title of the land is to be provided to Council.

(Reason: To ensure an easement is created)

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

133. **Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services.

(Reason: To comply with statutory requirements)

134. **Section 73 Compliance Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The original Section 73 Certificate must be presented to the Principal Certifier prior to the issue of Subdivision Certificate.

(Reason: To comply with statutory requirements)

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

135. **Waste & Recycling Collection**

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

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

(Reason: To regulate noise and garbage collection arrangements)

136. **Removal of Litter and Graffiti**

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

The owner of the building shall also be responsible for the prompt removal of any graffiti from the building.

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

137. **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)

138. **Annual Fire Safety Statement**

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

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

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

(Reason: Fire safety)

139. Air Emissions

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

(Reason: To protect human health and the environment)

140. General Noise Emission Criteria

- (a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
- (b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
- (c) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.
Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

In the event that Council receives a noise concern relating to mechanical plant, noise generating equipment, noise and vibration from the use of the gymnasium, Council may direct the property owners, strata manager and/or owners corporation to engage a suitably qualified acoustic consultant* to prepare an acoustic assessment and verification report to the satisfaction of Cumberland City Council.

(Reason: To protect residential amenity)

141. Noise - Residential buildings

The [air conditioners swimming pool pump/ mechanical ventilation systems/rainwater tank pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

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):

- i. Before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- ii. Before 7.00am and after 10.00pm on any other day; and

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 ($L_{A90, 15 \text{ minutes}}$) by more than 5dB(A). The source noise level must be measured as a $L_{Aeq 15 \text{ minute}}$.

(Reason: To protect residential amenity)

142. 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: $L_{A1, \text{ Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} + 0 \text{ dB(A)}$
- b) Commercial receivers: $L_{A1, \text{ Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} + 3 \text{ dB(A)}$

(Reason: To protect residential amenity)

143. 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 and outdoor exercise area of the gymnasium. 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 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)

144. Waste Management Plan

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

(Reason: To protect the environment)

145. Car Wash Residential

Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The car wash bay shall be managed and maintained so that the following requirements are met:

- a) The Owners Corporation or building owner should advise all users of the car wash facilities, how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
- b) Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

(Reason: To protect the environment)

146. Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

147. Parking

At least 936 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the development.

(Reason: Access to required car parking spaces)

148. Vehicle Access

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

(Reason: Traffic and pedestrian safety)

149. Annual Maintenance Inspection of OSD

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

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

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

150. Communal Facilities

Communal facilities are to be kept in a clean and tidy state at all times.

(Reason: to ensure communal facilities are managed)

151. Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the acoustic report prepared by Wood and Grieve Engineers dated 7 April 2020 Reference 29068-2 and any subsequent acoustic reports submitted in accordance with this consent must be implemented and complied with.

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

ADVISORY NOTES

152. Dial Before You Dig

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



153. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works, which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443 or <https://www.telstra.com.au/consumer-advice/digging-construction/relocating-network-assets>.

154. Lapsing of Consent

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

155. Process for Modification

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

156. Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of 12 months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after 12 months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed timeframe including the statutory requirement for public notification. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for such a review.

157. Signage Approval

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

158. Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste

etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

159. Work Health and Safety

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

160. Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

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