

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2021/0430
Applicant:	Thomas Nader from Lidcombe Church Property Pty Ltd Locked Bag 1400 MEADOWBANK NSW 2114
Property Description:	2-36 Church Street LIDCOMBE NSW 2141, Lot 1 DP 1259904
Development:	Alterations and additions to an approved mixed use development currently under construction including the provision of additional levels to facilitate a varying height of 6 to 13 storeys, accommodating an additional 114 residential apartments (including an additional 10 social housing apartments), provision of a child care centre and three (3) neighbourhood shops), reconfiguration of basement layout and associated design changes
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**

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

(Reason: Advisory)

2. **DAGCA02 - Approved Plans and Supporting Documents**

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

Reference/Dwg No	Rev.	Title/Description	Prepared By	Dated
DA001	D	COVER SHEET	plus architecture	18/08/2021
DA002	C	PROPOSED SITE PLAN & SITE ANALYSIS	plus architecture	23/06/2021
DA003	C	SITE SURVEY	plus architecture	23/06/2021
DA010	E	DEVELOPMENT SUMMARY	plus architecture	18/08/2021
DA094	F	FLOOR PLAN - BASEMENT 03 WEST	plus architecture	18/08/2021
DA095	E	FLOOR PLAN - BASEMENT 03 EAST	plus architecture	18/08/2021
DA096	E	FLOOR PLAN - BASEMENT 02 WEST	plus architecture	18/08/2021
DA097	E	FLOOR PLAN - BASEMENT 02 EAST	plus architecture	18/08/2021
DA098	E	FLOOR PLAN - GROUND & BASEMENT 01 WEST	plus architecture	18/08/2021

DA099	D	FLOOR PLAN - GROUND & BASEMENT 01 EAST	plus architecture	18/08/2021
DA100	D	FLOOR PLAN - LEVEL 01 WEST	plus architecture	18/08/2021
DA101	D	FLOOR PLAN - LEVEL 01 EAST	plus architecture	18/08/2021
DA102	C	FLOOR PLAN - LEVEL 02-04 WEST	plus architecture	23/06/2021
DA103	C	FLOOR PLAN - LEVEL 02-04 EAST	plus architecture	23/06/2021
DA104	C	FLOOR PLAN - LEVEL 05 WEST	plus architecture	23/06/2021
DA105	C	FLOOR PLAN - LEVEL 05 EAST	plus architecture	23/06/2021
DA106	C	FLOOR PLAN - LEVEL 06 WEST	plus architecture	23/06/2021
DA107	C	FLOOR PLAN - LEVEL 06 EAST	plus architecture	23/06/2021
DA108	C	FLOOR PLAN - LEVEL 07 WEST	plus architecture	23/06/2021
DA109	C	FLOOR PLAN - LEVEL 07 EAST	plus architecture	23/06/2021
DA110	C	FLOOR PLAN - LEVEL 08 WEST	plus architecture	23/06/2021
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DA115	C	FLOOR PLAN - LEVEL 10 EAST	plus architecture	23/06/2021
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DA121	C	FLOOR PLAN - LEVEL 13 EAST	plus architecture	23/06/2021
DA122	C	FLOOR PLAN - LEVEL 14 WEST	plus architecture	23/06/2021
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DA601	C	MATERIAL BOARD BUILDING B	plus architecture	23/06/2021
DA602	C	MATERIAL BOARD BUILDING C	plus architecture	23/06/2021
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SI-LA-1003	G	SI-LA-1003 Landscape Plan - Ground 1:100	Site Image Landscape Architects	16/03/2021
SI-LA-1004	G	SI-LA-1004 Landscape Plan - Ground 1:100	Site Image Landscape Architects	16/03/2021
SI-LA-1005	G	Landscape Plan - Ground	Site Image Landscape Architects	16/03/2021
SI-LA-1141	G	Landscape Plan - Building D Roof	Site Image Landscape Architects	16/03/2021
SI-LA-1142	F	Landscape Plan - Building C Roof	Site Image Landscape Architects	8/02/2021
SI-LA-1051	F	Landscape Plan - Building A Roof	Site Image Landscape Architects	8/02/2021
SI-LA-5001	B	Landscape Details	Site Image Landscape Architects	4/02/2021
SI-LA-5002	B	Plant Schedule	Site Image Landscape Architects	8/02/2021
998954M_06	-	BASIX Certificate	Integreco Consulting Pty Ltd	11/03/2021
948618M_08	-	BASIX Certificate	Integreco Consulting Pty Ltd	11/03/2021
948618M_08	2	DA Acoustic Assessment	Acoustic Logic	16/03/2021
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(Reason: To confirm and clarify the details of the approval)

3. **DAGCZ01 - Modification of Development Consent DA2019/94**

Development consent DA2021/0430 related to 2-36 Church Street, Lidcombe, amends and changes various aspects of DA2019/94 issued for 2-36 Church Street, Lidcombe.

Pursuant to Section 4.17(1)(b) of the *Environmental Planning and Assessment Act, 1979*, development consent DA2019/94 related to 2-36 Church Street, Lidcombe, must be modified in the following manner:

The following conditions of development consent DA2019/94 related to 2-36 Church Street, Lidcombe, are amended to read as follows:

Condition 2 is amended to read as follows:

2. **Approved Plans and 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.

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Dated
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Cover Sheet / A-DA-LC-1100-Cover	Plus Architecture	34	16/04/2020
Site Plan / A-DA-LC-1101-Site Plan			
Basement 4 West / A-DA-LC-2090-Basement 4 West			
Basement 2-3 West / A-DA-LC-2100-Basment 2-3 West			
Basement 2-3 East / A-DA-LC-2101-Basment 2-3 East			
Basement 1 West / A-DA-LC-2102-Basment 1 West			
Basement 1 East / A-DA-LC-2103-Basment 1 East			
Ground Floor West / A-DA-LC-2104-Ground Floor West			
Ground Floor East / A-DA-LC-2105-Ground Floor East			
Level 1 West / A-DA-LC-2106-Level 1 West			
Level 1 East / A-DA-LC-2107-Level 1 East			
Level 2 West / A-DA-LC-2108-Level 1 West			
Level 2 East / A-DA-LC-2109-Level 2 East			
Level 3 West / A-DA-LC-2110-Level 3 West			
Level 3 East / A-DA-LC-2111-Level 3 East			
Level 4 West / A-DA-LC-2112-Level 4 West			
Level 4 East / A-DA-LC-2113-Level 4 East			
Level 5 West / A-DA-LC-2114-Level 5 West			
Level 5 East / A-DA-LC-2115-Level 5 East			
Level 6 West / A-DA-LC-2116-Level 6 West			
Level 6 East / A-DA-LC-2117-Level 6 East			
Level 7 West / A-DA-LC-2118-Level 7 West			
Level 7 East / A-DA-LC-2119-Level 7 East			
Level 8 West / A-DA-LC-2120-Level 8 West			
Level 8 East / A-DA-LC-2121-Level 8 East			
Roof Plan West / A-DA-LC-2122-Roof Plan West			
Roof Plan East / A-DA-LC-2123-Roof Plan East			
Buildings A-B - North Elevation / A-DA-LC-3000-Building A-B - North Elevation Buildings C-D - North Elevation / A-DA-LC-3001-Building C-D - North Elevation			
Buildings D-C - South Elevation / A-DA-LC-3002-Building D-C - South Elevation			
Buildings B-A - South Elevation / A-DA-LC-3003-Building B-A - South Elevation			
Building A - East and West Elevations / A-DA-LC-3004-Building A - East and West Elevations			
Building B - East and West Elevations / A-DA-LC-3005-Building B - East and West Elevations			
Building C - East and West Elevations / A-DA-LC-3006-Building C - East and West Elevations			
Building D - East and West Elevations / A-DA-LC-3007-Building D - East and West Elevations			

North Elevation - Church St Interface Detail / A-DA-LC-3100-North Elevation - Church Street Interface Detail			
Short Sections / A-DA-LC-4000-Short Sections			
Long Sections / A-DA-LC-4001-Long Sections			
Car Park Ramp Sections / A-DA-LC-4100-Car Park Ramp Sections ADG Ceiling Height Detail / A-DA-LC-4200-ADG Ceiling Height Detail			
Adaptable & Silver Lining Apts / A-DA-LC-5000-Adaptable & Silver Lining Apts			
Adaptable & Silver Lining Apartments (1) / A-DA-LC-5100-Adaptable & Silver Lining Apts (1)			
Adaptable & Silver Lining Apartments (2) / A-DA-LC-5200-Adaptable & Silver Lining Apts (2)			
Geotechnical Report / 86491.00	Douglas Partners	1	05/01/2020
Rail Corridor Surveys / 7743 / Sheet 1 of 2, and 2 of 2	SDG	A	21/08/2018
Buildings B-D Shoring Layout Plan / 18089 / S01.001	ABC Consultants	A	20/12/2019
Building A Shoring Layout Plan / 18089 / S01.002			
Shoring Elevations Sheet 1 / 18089 / S01.003			
Shoring Elevations Sheet 2 / 18089 / S01.004			
Shoring Sections Sheet 1 / 18089 / S01.005			
Shoring Loading Plan / 18089 / S01.006			
Shoring Details / 18089 / S01.011			
Structural Report / 18089-SAR	ABC Consultants	A	30/01/2020

As amended by:

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Dated
Basement 3 West / A-DA-LC-2090 *	Plus Architecture	37	22/04/2021
Basement 3 East / A-DA-LC-2091 *			
Basement 2 West / A-DA-LC-2100 *			
Basement 2 East / A-DA-LC-2101 *			
Basement 1 West / A-DA-LC-2102 *			
Basement 1 East / A-DA-LC-2103 *			
Ground Floor West / A-DA-LC-2104			
Stormwater Drainage Plan - Level 1 - Sheet 1 of 2 / CI-520-01	Stantec	D	23/04/2021
Stormwater Drainage Plan - Basement 1 - Sheet 1 of 2 / CI-521-01			
Stormwater Drainage Pit Schedule And OSD Details / CI-525-01			

* Note: The visitor car parking allocation of 42 spaces is to be maintained in accordance with condition no. 38 of DA2019/94.

(Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended)).

As amended by the following plans and documents approved by Development Consent DA2021/0152:

Reference/Dwg No	Rev.	Title/Description	Prepared By	Dated
DA001	D	COVER SHEET	plus architecture	18/08/2021
DA002	C	PROPOSED SITE PLAN & SITE ANALYSIS	plus architecture	23/06/2021
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SI-LA-1003	G	SI-LA-1003 Landscape Plan - Ground 1:100	Site Image Landscape Architects	16/03/2021
SI-LA-1004	G	SI-LA-1004 Landscape Plan - Ground 1:100	Site Image Landscape Architects	16/03/2021
SI-LA-1005	G	Landscape Plan - Ground	Site Image Landscape Architects	16/03/2021
SI-LA-1141	G	Landscape Plan - Building D Roof	Site Image Landscape Architects	16/03/2021
SI-LA-1142	F	Landscape Plan - Building C Roof	Site Image Landscape Architects	8/02/2021
SI-LA-1051	F	Landscape Plan - Building A Roof	Site Image Landscape Architects	8/02/2021
SI-LA-5001	B	Landscape Details	Site Image Landscape Architects	4/02/2021
SI-LA-5002	B	Plant Schedule	Site Image Landscape Architects	8/02/2021
998954M_06	-	BASIX Certificate	Integreco Consulting Pty Ltd	11/03/2021
948618M_08	-	BASIX Certificate	Integreco Consulting Pty Ltd	11/03/2021
SO889	C	Operational Waste Management Plan	Elephants Foot Recycling Solutions	26/02/2021

948618M_08	2	DA Acoustic Assessment	Acoustic Logic	16/03/2021
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(Reason: to satisfy the requirements of Section 4.53 of the Environmental Planning and Assessment Act (as amended))

Condition 38 is amended to read as follows:

38. Number of Car Parking Spaces

A total of **426** off-street car parking spaces are to be provided to the development. Of this figure:

- A minimum of **343** spaces shall be dedicated as residential use, inclusive of 29 spaces for the social housing component.
- A minimum of **63** spaces shall be dedicated as residential visitor use.
- **A minimum of 15 spaces shall be dedicated as the child care centre use.**
- **A minimum of 5 spaces shall be dedicated retail use.**

The spaces are to have minimum dimensions of 5.4 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Child care centre visitor car parking spaces shall be a minimum width of 2.6m.

Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Car parking spaces shall not be enclosed without the prior consent of Council.

(Reason: to ensure there is sufficient car parking for the development and to comply with the Auburn Development Control Plan 2010 - Parking & Loading and Australian standard AS2890.1.)

Condition 42 is amended to read as follows:

42. Size Limit of Delivery Vehicles

Vehicles making deliveries to the premises shall be limited to ~~Heavy Rigid Vehicles (HRV) Medium Rigid Vehicle (MRV) that is defined in Australian standard AS2890.2. or smaller as defined by Australian Standard AS2890.2.~~

(Reason: to ensure adequate manoeuvring space is provided at the site)

Condition 55 is amended to read as follows:

55. Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s) **unless required to meet servicing requirements.**

(Reason: to ensure that switchboards and service panels are appropriately located and do adversely impact on the appearance/presentation of the front building façade)

Condition 65 is amended to read as follows:

65. Television Aerial/Satellite Dish

A **single** common television aerial, and/or satellite dish **for each building** (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

(Reason: to ensure the provision of these services does not impact on the finished appearance of the development)

Condition 88 is amended to read as follows:

88. Opaque Glazing

Opaque **and/or tinted** glazing shall be installed to the balustrading of the balconies.

(Reason: to screen items within balcony areas, and provide an acceptable presentation, as viewed from the public domain)

Condition 90 is deleted as follows:

90. Clothes Drying Facilities

~~Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.~~

~~Reason: to encourage natural means of clothes drying in order to reduce the carbon footprint of the development, and to screen clothes drying facilities from the public domain.~~

Condition 102 is amended to read as follows:

102. Basement Drainage System

~~Basement drainage is to comply with the following criteria:-~~

- ~~a) Two pump units being installed, the capacity of each being calculated on the basis of a fifty year storm recurrence interval and a storm duration of 6 minutes, one pump acting in reserve capacity.~~
- ~~b) 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.~~
- ~~c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a fifty 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.~~

~~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.~~
- ~~d) 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.~~
- ~~e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 150mm above the level of the surrounding area to achieve additional freeboard above the water level.~~
- ~~f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.~~

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) Storage areas and areas used for purposes other than car parking or access aisles, **where located within Basement Level 1 of the Building A basement, or Basement Level 3 of the Buildings B, C and D shared basement**, are to be constructed a minimum of 150mm above the level of the surrounding area to achieve additional freeboard above the water level.
 - viii) 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)

Condition 122 is amended to read as follows:

122. Construction Plan for Proposed Roundabout

Prior to works commencing, a detailed construction plan for the proposed roundabout at the intersection of Martin Street and Church Street shall be submitted to Council for Cumberland Traffic Committee approval.

In this regard, the following shall be submitted:

- A detailed plan showing the construction details, sign and line marking shall be submitted;
- **A 600mm wide central median within Church Street, extending between Swete Street and Martin Street shall be incorporated as per TfNSW comments.**
- Detailed cost estimate for the proposed works shall be submitted.
- Street lighting design shall be submitted to comply with the lighting requirements.
- Detailed drainage plans shall be submitted to the satisfaction of Council.
- Details of existing and proposed service diagrams around the area of the construction.

All associated cost shall be borne by the applicant.

(Reason: to facilitate traffic movements generated by the development)

Condition 126 is amended to read as follows:

126. Waste / Recycling

The following waste / recycling conditions apply.

Waste Service Requirements

- a) The waste service requirements for the proposed development of **376 262** units is as follows:
 - Building A (53 units) – **2 4**-x 660 litre garbage bins and **4 3** x 660 litre recycling bins;
 - Building B (59 units) - **3 4** x 660 litre garbage bins and **6 4** x 660 litre recycling bins;
 - Building C (73 units) - **4 5** x 660 litre garbage bins and **7 5** x 660 litre recycling bins; and
 - Building D (77 units) - **4 5** x 660 litre garbage bins and **7 5** x 660 litre recycling bins.

Garbage bins will be serviced three times a week, and recycling bins will be serviced weekly.

- b) The temporary bin holding area shall be able to accommodate the above waste service requirements at any given point in time.

- c) **For Building A**, two (2) x 240 litre bins are to be made available in each service chute room on each habitable level (240 litre recycling bins are to be made available to the property to be placed in the service chute room on each level).
- d) **For Buildings B, C and D, one (1) x 240 litre recycling bin and E-diverter waste chute access point is to be made available in each service chute room on each habitable level.**
- d) ~~A bin lifter shall be made available for the life of the development, to transfer recycling from the 240 litre bins to the 660 litre bins for servicing for Buildings B, C and D.~~
- e) A bin tug shall be made available for the life of the development, and shall be placed within a secure location within the bin storage room.

(Reason: to ensure compliance with Council's waste management requirements)

Condition 130 is amended to read as follows:

130. Compliance with submitted Acoustic Report

The noise control measures specified in the ~~Acoustic report DA Acoustic Assessment~~ prepared by ~~Wood and Grieve Engineers Acoustic Logic~~, Reference Number ~~39211 20200542.6/1603A/R2/WY~~, Revision ~~004 2~~, dated ~~13 September 2018~~ **16/03/2021** and ~~Acoustic Response Letter prepared by Wood and Grieve Engineers, Reference Number 39211, dated 12 August 2019~~, shall be incorporated / installed in the building prior to occupation. This also includes the alternative method for supplying natural air to sole occupancy units per ~~Appendix C~~ **Appendix 3** of the Report. All noise reduction measures and noise levels for plant items not yet selected (a/c units, basement carpark ventilation, lift motors and like) shall accord with requirements of the Report.

(Reason: to ensure a reasonable internal noise environment is provided for occupants of the building and to also minimise the noise impact of the development on the neighbourhood.)

(Reason: To ensure consistency between development consents DA2019/94 and DA2021/0152)

4. DAGCA04 - Child Care Centre

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

The fitout and use of the Child Care Centre is subject to a separate Development Application, demonstrating compliance with the Education and Care Services National Regulations.

In accordance with the recommendations of the Cumberland Design Excellence Panel, the fitout and landscaping of the child care centre pergolas should consider the use of vegetation (e.g. climbers) to provide more shade and help soften the appearance.

(Reason: Clarify approved use)

5. DAGCA07 - Separate Approvals

Separate Development consent shall be obtained for the fitout and use of the three (3) neighbourhood shops, denoted as 'Tenancy 01', 'Tenancy 02' and 'Tenancy 03' on the endorsed plans .

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

6. DAGCA05 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

7. DAGCB01- 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)

8. DAGCB03 - 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)

9. DAGCB04 - 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)

10. DAGCB06 - Telecommunications/ TV Antennae

A common television aerial, and/or satellite dish for each building (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

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

11. DAGCD08 - Future use of Mixed-Use Building for Commercial Tenancy

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

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

12. DAGCZ02 - 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.)

13. DAGCZ03 - 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)

14. DADWC06- Air Conditioning Units - Location

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)

15. DADWC07 - Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s), unless required to meet servicing requirements.

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

16. DAGCZ04 - 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)

17. DADWZ01 - Separate Approval - Proposed Roundabout

Prior to the commencement of the roundabout construction, a separate approval shall be obtained from Council's Executive Manager Development and Building following the submission of construction details, a work program, and contractor details.

(Reason: to ensure limited disruption is experienced at the intersection of Martin Street and Church Street during the construction of the proposed roundabout.)

18. DAGCZ05 - Driveway separation - Eastern driveway

Eastern driveway entry and exit lanes shall be separated by minimum 2.0m. In this regard, detail plans shall be submitted to and approved by **Cumberland Council's Executive Manager Development and Building**.

(Reason: to ensure driveway comply with Australian standard AS2890.1 and to improve the pedestrian safety.)

19. DAGCZ06 - Disable parking spaces

Proposed off-street parking spaces for people with disability shall comply with Australian standard AS2890.6. Detail shall be submitted to and approved by certifying authority.

(Reason: to ensure disable parking spaces comply with Australian Standard AS28890.6.)

20. DAGCZ07 - 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 certifying authority prior to the commencement of works.

(Reason: to ensure headroom complies with AS2890.)

21. DAGCZ08 - 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 certifying authority prior to the commencement of works.

Copy of the approved plan shall be submitted to Council.

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

22. DAGCZ09 - 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 AS28890.1:2004.)

23. DACCZ07 - Minimum height clearance for car parking spaces and entry to basement carparks

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.2 metres.

(Reason: to ensure vehicles and pedestrians can safely use the car parking facility.)

24. DACCZ08 - Sight distance

Adequate appears adequate vertical sight distance shall be provided along the access ramp. In this regard:

- a) Appropriate measures shall be provided to improve the safety.
- b) Detail plan shall be submitted to and approved by the certifying authority.

(Reason: to ensure adequate safety is provided in the access ramp.)

25. DAGCZ10 - 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) Storage areas and areas used for purposes other than car parking or access aisles, **where located within Basement Level 1 of the Building A basement, or Basement Level 3 of the Buildings B, C and D shared basement**, are to be constructed a minimum of 150mm above the level of the surrounding area to achieve additional freeboard above the water level.
- viii) 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.)

26. DACCZ04 - Water Sensitive Urban Design (WSUD) measures

The WSUD measures shall be designed to incorporate the following and be submitted to Council for approval.

- a. The first flush i.e. initial flow equivalent of 3 month's flow that contain high concentration pollutants are to be collected and treated in full not bypassing the treatment (filtrations) system.
- b. The sub-catchment area generating runoff and the inflow into the filtration (storm360 filters cartridges) system shall be calculated and shown on the sub-catchment plan.
- e. The MUSIC model needs to reflect the actual filed configuration of the system including the rate of the treatment flow and the holding storage capacity of the filtration system.
- f. The electronic copy of the MUSIC model with the input parameters should be provided.
- g. It is recommended that the initial flow (first flush equivalent to 1 in 3 month's flow) that contain high concentration of pollutants be separated and treated separately rather than treating the runoff for the entire storm duration. It is recommended that a high bypass chamber is introduced to separate the initial flow (first flush) with high concentration of pollutants and directed into the filtration system as off line treatment system.

(Reason: To ensure provision of effective water quality treatment system.)

27. DACCZ02 - Basement car park

- a) The basement car park plan shall include the ramp layout, with its segmental length, sectional gradient, and the finished surface level at the change of gradients along the ramp. Further, long section profiles of each driveway ramp shall provide the gradient, headroom clearance requirement, and the finished surface levels along the ramp.
- b) The door jambs of the roller shutter doors at the downstream end of the ramp to the basement car park must not protrude to reduce the ramp width and constrain the manoeuvring of vehicles.
- c) Convex mirrors must be provided at the turning area, and wherever the line of sight is not clear.

(Reason: To ensure clear circulation width and improved manoeuvring to and from the car park.)

28. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Amenity)

29. DACCH03 - Glazing

Opaque and/or tinted glazing shall be installed to the balustrading of the balconies.

(Reason: Amenity)

30. DACCI04- 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)

31. DADWZ05 - Sydney Trains

- A. Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Report on Geotechnical Investigation, prepared by Douglas Partners, dated October 2021 (Project 86491.00); and
- Structural Assessment Report, prepared by ABC Consultants, dated October 2021 (Report No.18089-SAR).

Works are not to commence until written confirmation has been received from Sydney Trains until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the commencement of works. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- B. The Applicant shall prepare an acoustic assessment (to take into consideration additional units and child care centre use approved as of Amending DA) demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be

provided to the Principal Certifying Authority and Council prior to the commencement of works. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the commencement of works.

- C. Sydney Trains rail corridor is located in close proximity to the child care centre use on the subject site. As such, it is required that the applicant consult a relevant expert to prepare an EMF (Electromagnetic Fields) report and implement any recommendations.

(Reason: Sydney Trains requirements)

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

32. DADWZ06 - Compliance with Terms of Voluntary Planning Agreement (VPA)

The developer shall comply in full with the terms as specified in the '2-36 Church Street, Lidcombe Planning Agreement' executed on 23 April 2021.

In this regard, evidence is to be provided to the certifying authority to demonstrate compliance with the terms of Schedule 1 of the VPA in relation to the payment of the monetary contributions.

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

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

The certifying authority is to ensure and obtain written proof prior to the commencement of works 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)

34. DACCB03 - Section 7.11 Contribution

Prior to the commencement of works, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Cumberland Local Infrastructure Contributions Plan 2020, is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Cumberland Local Infrastructure Contributions 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)

35. DACCB05 - Fees to be paid to Council prior to the commencement of works

Damage Deposit	\$6,660.00
Sect. 7.11 Contributions	\$1,513,185.00 + CPI
TOTAL	\$1,519,845.00 + 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 (insert relevant Contributions Plan).

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

36. DACCB01 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the commencement of works. This Damage Deposit can be refunded upon the completion of all works. 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)

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

The applicant shall submit to Council prior to commencement of works, 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)

38. DAPDB13 - 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)

39. DAPCA01 - Appointment of Principal Certifier

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

- a) A construction certificate for the building work has been obtained 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)

40. DAPCA04 - 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)

41. DAPCA02 - Home Building Compensation Fund

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

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

42. DAPCA03 - 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)

43. DAPCA05 - Sydney Water Tap in Approvals

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

www.sydneywater.com.au/tapin or call 1300 082 746.

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

(Reason: Statutory requirement)

44. DAPCA07 - 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)

45. DAPCA06 - Toilet Amenities for People Working at the Site

Suitable toilet amenities are to be provided at the work site at all times. If a temporary toilet is proposed, it must:-

- a) Have a hinged door capable of being fastened from both inside and outside,
- b) Be constructed of weatherproof material,
- c) Have a rigid and impervious floor; and
- d) Have a receptacle for, and supply of, deodorising fluid.

(Reason: To ensure suitable toilet amenities are provided for workers)

46. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the commencement of works, the Applicant shall submit and have approved by the certifying authority, a detailed construction Traffic Management Plan (TMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved 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) 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)

47. DACCA03 - Disabled Access & Facilities

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

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

48. DACCA04 - Works within Boundary

No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the certifying authority prior to the commencement of works.

(Reason: To ensure protection of adjoining properties)

49. DACCC01 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design 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 commencement of works.

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

(Reason: Public infrastructure)

50. DACCC02 - Protection of Public Places

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

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or 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)

51. DACCC03 - 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 2-36 Church Street, Lidcombe 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 commencement of works.

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 commencement of works, and
- (c) All Civil Engineering works adjacent to 2-36 Church Street, Lidcombe 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)

52. DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

Concrete vehicular crossing(s) and layback shall be constructed across the nature strip 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 and natural grass verge 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 under Section 138 of the Road Act 1993 (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to works commencing.

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)

53. DACCC05 - Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. 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)

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

In accordance with Section 138 of the Roads Act 1993 and prior to the commencement of works, 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 Transport for NSW (TfNSW) 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)

55. DACCG05 - Off Street Car Parking - General

A total of **426** off-street car parking spaces are to be provided to the development. Of this figure:

- A minimum of 343 spaces shall be dedicated as residential use, inclusive of 29 spaces for the social housing component.
- A minimum of 63 spaces shall be dedicated as residential visitor use.
- A minimum of 15 spaces shall be dedicated as the child care centre use.
- A minimum of 5 spaces shall be dedicated retail use.

Details are to be submitted to the certifying authority prior to the commencement of works showing compliance with this condition.

(Reason: Parking and access)

56. DACCZ10 - Parking layout

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plans showing all necessary dimension shall be submitted to and approved by the certifying authority prior to the commencement of works.

Copy of the approved plan shall be submitted to Council.

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

57. ~DACCG11 - Stop Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to signal all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

58. ~DACCG09 - Speed Hump and Stop Sign on Exit

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

(Reason: Traffic safety and management)

59. DACCJ03 - 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 certifying authority prior to works commencing.

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 certifying authority prior to works commencing.

(Reason: Adequate stormwater management)

60. DACCJ04 - Construction or Redirection of a Stormwater Drainage System

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise 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 certifying authority prior to works commencing.

(Reason: Protection of existing drainage infrastructure)

61. DACCL02 - Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the certifying authority prior to the commencement of works.

(Reason: Ensure services are not disturbed)

62. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer. Details are to be submitted certifying authority prior to the commencement of works.

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

63. DACCL05- Compliance with Acoustic Report

Prior to the commencement of works, 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 Acoustic Logic, reference 20200542.6/1603A/R2/WY, dated 16/03/2021.

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)

64. DACCZ01 - Construction Plan for Proposed Roundabout

Prior to works commencing, a detailed construction plan for the proposed roundabout at the intersection of Martin Street and Church Street shall be submitted to Council for Cumberland Traffic Committee approval.

In this regard, the following shall be submitted:

- a) A detailed plan showing the construction details, sign and line marking shall be submitted;
- b) A 600mm wide central median within Church Street, extending between Swete Street and Martin Street shall be incorporated as per TfNSW comments.
- c) Detailed cost estimate for the proposed works shall be submitted.
- d) Street lighting design shall be submitted to comply with the lighting requirements.
- e) Detailed drainage plans shall be submitted to the satisfaction of Council.
- f) Details of existing and proposed service diagrams around the area of the construction.

All associated cost shall be borne by the applicant.

(Reason: to facilitate traffic movements generated by the development.)

65. DACCZ03 - On-Site Detention system (OSD)

Prior to the commencement of the stormwater related works, 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" shall be submitted to Council for approval.

The stormwater plan shall be generally in accordance with the stormwater plan (Drawing Number CI-520-01, CI-521-01, CI-525-01, Revision "D" dated 23/04/2021 prepared by Stantec) and address the following.

- a. The underground On-Site -Detention (OSD) tank must not encroach or be located under the habitable area. The underground tank must demonstrate sufficient grated openings for cross-ventilation to prevent formation of noxious gases within the tank.
- b. All inflow intended to be directed into the OSD system, shall first be directed into the High early discharge (HED) chamber to attain high early discharge. The proposal without HED chamber is not supported.
- c. The HED chamber must not be too large to cause delay of in filling up the HED chamber. In this regard, it is recommended the chamber be approx. 1.5mx1.5m.
- d. One half of the base of the HED control pit shall have a dry platform installed to allow stepping while inside the control pit for maintenance. The platform shall be at least level with the centre of the orifice to allow it to remain dry.
- e. The other half of the base of the HED control pit shall provide a sump adjacent to the orifice plate for collection of the sediments and to allow a trash screen to be fitted.
- f. 2 x 90mm diameter relief drain (weep hole) at the base of the sump of the HED control pit should be installed. The drain hole should be filled with the 5mm diameter gravel (blue metals) up to and flush with the base of the sump to act as filter preventing debris entering the relief drain hole.
- g. Amendments in red as shown on the Council's approved plans.

(Reason: Stormwater management.)

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

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

- a) The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and blockwork;
- b) The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material;

- c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- d) A hot and cold hose cock shall be provided within the room;
- e) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms; site collection approach including any required waste/recycling collection bays must be submitted to the certifying authority for approval prior to the commencement of works.

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

67. DACCM03 - Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the certifying authority prior to the commencement of works. 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)

68. DACCF02 - Landscape Maintenance Strategy

To ensure the survival of landscaping, following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following occupation shall be prepared and provided to the satisfaction of the certifying authority. 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)

69. DACCF04 - On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 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 to the certifying authority to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

Conditions which must be satisfied during any development work

70. DADWA01 - 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)

71. DADWA03 - Site Management

All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

72. DADWA04 - Unexpected find of Acid Sulphate Soils

- a) Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.
- b) If an Acid Sulphate Soils management plan is recommended by the suitably qualified environmental consultant, then all recommendations of this plan must be complied with during works.

(Reason: Environmental protection)

73. DADWA06 - Stamped Plans

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

74. DADWA07 - General Site Requirements during Demolition and Construction

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) 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.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) 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.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) 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.
- j) 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.
- k) 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.
- l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m) 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.
- n) 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.
- o) 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.
- p) 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 demolition, building and any

other site works are undertaken in accordance with relevant legislation and policy.)

75. DADWA09 - 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)

76. DADWA14 - Classification of Waste

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

77. DADWA15- Importation of Fill

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

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)

78. DADWA17 - 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)

79. DADWA20 - 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)

80. DADWA22 - Dust Control - Major Works

The following measures must be implemented (in part or in total), along with any other measures as directed by Cumberland 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 Council.

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

81. DADWC01 - Obstruction of Road or Footpath

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

(Reason: Protection of infrastructure, safety & information)

82. DADWC02 - Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

83. DADWZ02 - Restoration works

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

(Reason: to ensure that Council's infrastructure is maintained in a safe and trafficable manner.)

84. DADWZ03 - Footpath /Nature strip maintenance during and after construction

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council's satisfaction.

(Reason: to ensure pedestrian safety during the construction period.)

Conditions which must be satisfied prior to Occupation

85. DAOCA02 - 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)

86. DACCZ06 - Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided to the certifying authority, prior to works commencing.

(Reason: to assist with traffic flow within the development.)

87. DAOCA03 - S73 Compliance Certificate

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

88. DAOCA04 - 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)

89. DAOCA06- Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that the units in the following table have achieved the required level of adaptability (Adaptable Class "C") shall be submitted to the certifying authority prior to occupation.

Building	Unit Nos.	Total
A	A01.08, A02.04, A02.11, A03.04, A03.11, A04.04, A04.11, A05.08, A06.08	9
B	B02.04, B03.04, B04.04, B05.04, B06.04, B07.04, B08.04	7
C	C02.09, C03.09, C04.09, C05.09, C06.09, C07.09, C08.09, C09.09, C10.09, C11.09, C12.09, C13.09	12
D	D02.02, D03.02, D04.02, D05.02, D06.02, D07.02, D08.02, D09.02, D10.02, D11.02, D12.02	11
		39

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

90. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the certifying authority:

- (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.

Copies of the above documents are to be provided to Council prior to occupation.

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

(Reason: Asset management)

91. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to occupation of the relevant building:

- 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)

92. DAOCA12- Construction of Concrete Footpath

A full width concrete footpath adjacent to the front and side of the property as per Council's requirements at no cost to Council.

Footpath surface treatment and paving details shall comply with relevant Council's standards. Details shall be obtained from Council Engineering Section.

The above works must be constructed prior to occupation of the relevant building.

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)

93. DAOCB01 - Mechanical Ventilation - Certificate of Completion

Prior to occupation 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 certifying authority.

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

94. DAOCB04 - Acoustic Verification Report

Prior to occupation, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the certifying authority that confirms the following:

- a) All recommendations contained in the DA acoustic report prepared by Acoustic Logic, reference 20200542.6/1603A/R2/WY, dated 16/03/2021 have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

*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)

95. DAOCB06 - Monitoring of Field Parameters

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

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

96. DAOCH02 - Covenant & Restriction as to User for Stormwater Controlled Systems

Prior to occupation 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 in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with NSW Land Registry Services.

Note: Prior to release of documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the NSW Land Registry Services within six (6) months from the date of release by the benefiting authority.

(Reason: Compliance and adequate maintenance of drainage system)

97. DAOCH03 - OSD Identification Plate

Prior to occupation, 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)

98. DAOCZ01 - Construction of Proposed Roundabout

Prior to occupation, the proposed roundabout shall be constructed in accordance with Council approved plan to the satisfaction of Council at no cost to Council. A detailed work as executed plan shall be submitted to Council.

(Reason: to facilitate traffic movements generated by the development.)

99. DAOCZ02 - On street drainage construction

Prior to occupation 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.)

100. DAOCZ03 - 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.)

101. DAOCZ04 - Maintenance schedule - OSD

Prior to occupation, 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.)

102. DAOCZ05 - 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 logbook 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.)

103. DAOCZ06 - Childcare tandem parking

The approved four (4) childcare parking spaces (CC2.020, CC2.021, CC2.029 & CC2.031) shall be used for staff parking only. Appropriate signs shall be provided to prevent others using these spaces for parking. Evidence showing the compliance of above requirement shall be submitted to and approved by the certifying authority prior to occupation.

(Reason: to ensure tandem parking spaces are used as staff parking spaces only.)

104. DACCZ05 - Signs for visitor and employee parking

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor and employee parking spaces shall be clearly sign marked.

(Reason: to delineate the spaces suitable for visitor and employee parking.)

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

105. DACCZ09 - Size Limit of Delivery Vehicles

Vehicles making deliveries to the premises shall be limited to Medium Rigid Vehicles (MRV) or smaller as defined by Australian Standard AS2890.2.

Reason: to ensure adequate manoeuvring space is provided at the site.

106. DAOUA20 - Loading

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

(Reason: Adequate servicing)

107. DAOUD02- 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)

108. DAOUE03 - Parking

At least 426 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 use of the premises.

(Reason: Access to required car parking spaces)

109. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

110. DAOUZ01 - Convex safety mirror

Convex safety mirror shall be provided at the appropriate locations as approved plans.

a) Convex safety mirrors shall be maintained in good condition at all times.

(Reason: to improve the sight distance.)

111. DAOUZ02 - Limit of the delivery trucks

Largest vehicles making deliveries to the commercial/retail premises shall be limited to Medium Rigid Vehicle that is defined in Australian standard AS2890.1.

(Reason: to ensure delivery trucks use approved loading area and enter/exit the site in a forward direction.)

112. DAOUZ03 - Loading and Unloading of Vehicles

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

(Reason: to ensure delivery vehicles do not obstruct these designated areas of the site.)

113. ~DAOCZ07 - Neighbourhood shop use

The neighbourhood shop tenancies are to be used/occupied only in accordance with the neighbourhood shop definition in the Standard Instrument, at all times.

(Reason: To clarify the terms of this approval)

Advisory Notes

114. **DAANN01 - Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets 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.



115. **DAANN02 - Telecommunications Act 1997 (Commonwealth)**

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

116. **DAANN05 - 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.

117. **DAANN08 - 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.

118. **DAANN09 - 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.

119. **DAANN10 - Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979, gives the applicant the right of appeal to the Land and Environment Court within 12 months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

120. **DAANN11 - 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'.

121. **DAANN12 - 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.

122. DAANN13 - 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.

123. DAANN14 - Contaminated Land Orders

The subject site or part of the subject site is affected by an Ongoing Maintenance Order under Section 28 of the Contaminated Land Management Act 1997. For further information regarding this Order, contact the Environment Protection Authority by phone: 131 555, or visit their website - epa.nsw.gov.au.

124. DAANN16 - Compliance with Disability Discrimination Act

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