

**Auburn Branch**

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Our Reference: DA-290/2017  
Contact: Michael Lawani

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15 February 2018

**Notice of determination of development application (Form 4)  
Deferred Commencement  
(Section 80(3) - the Environmental Planning and Assessment Act 1979**

Development Application	DA-290/2017
Land to be developed	Lots 40/41 Sec 1 DP 5121, 331 Blaxcell Street, SOUTH GRANVILLE NSW 2142
Proposed development	Demolition of existing structures and construction of three storey child care centre with ancillary signage
Determination	Deferred Commencement Approved

1. **The following “Deferred Commencement” conditions are applied and must be satisfied before the consent can operate:-**

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

**DC1. Creation of Drainage Easement**

Stormwater from the entire site shall be discharged by gravity system to street gutter. In this regard, downstream easement shall be obtained. In this regard, Transfer Granting Easement documents and plans instrument shall be submitted to Council for approval and then registered with the Land and Property Information.

**Cumberland Council shall be nominated as an authority to vary or modify the easement in all the Transfer Granting Easement documents.**

Registered copy of Transfer granting easement document(s) shall be submitted to and approved by **Cumberland Council’s Manager Development Assessment**.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of **730 days**, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

## 2. Approved Plans – Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, **except as modified by the deferred commencement condition of approval:**

Plan Number	Prepared By	Revision No.	Dated
DEM – Demolition	Nigel Merryweather Architects	-	31/5/2017
A2d – Ground floor	Nigel Merryweather Architects	D	1/2/2018
A3 – First floor	Nigel Merryweather Architects	-	31/5/2017
A4c – Second floor	Nigel Merryweather Architects	C	30/1/2018
A5a – Roof	Nigel Merryweather Architects	A	26/10/2017
A6a – Elevations	Nigel Merryweather Architects	A	26/10/2017
17-1282/1 – Landscape	Captivate Landscape Design	3	15/11/2017
SIG – Signage	Nigel Merryweather Architects	A	26/10/2017
A7d – Sections 1	Nigel Merryweather Architects	D	2/2/2018
A8a – Sections 2	Nigel Merryweather Architects	A	26/10/2017
AR9 – Play areas	Nigel Merryweather Architects		31/5/2017
AR1A – Area	Nigel Merryweather Architects		31/5/2017
A9 – Fences	Nigel Merryweather Architects		31/5/2017
SW1– Stormwater	E2 Design	C	1/2/2018
SW2 – Stormwater ES design	E2 Design	A	15/10/2017
Acoustic Report – R170151R1	Rodney Stevens Acoustics	1	8 Nov. 2017
Emergency Management Plan/Evacuation diagram – 331BLA_v1.00	First 5 Minutes	-	23/5/2017
Waste Management plan	-	-	May 2017
Materials & Finishes	Nigel Merryweather Architects	-	-
Plan of Management	-	-	February 2018

**The plans will not be “stamped” by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.**

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

*Reason:-* to confirm and clarify the terms of Council’s approval.

3. **Time period of consent**

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

*Reason:-* to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act.

4. **Section 94A Contribution**

A monetary contribution comprising **\$17,714.16** is payable to **Cumberland Council** in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 5).

***The contribution is to be paid to Council prior to the issue of a Construction Certificate.***

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Cumberland Council’s website at: [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

*Reason:-* to comply with legislative requirements.

5. **Operational Plan of Management**

The premises shall be operated in accordance with the operational plan of management dated February 2018. Where there is any conflict between the provisions of the operational plan of management and specific conditions of this consent, the specific conditions of this consent shall prevail.

*Reason:-* to ensure on-going management of the Child care centre is in accordance with the operational plan of management.

6. **Submission of Construction Certificate**

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act and clause 142 of the Environmental Planning and Assessment Regulation 2000.

7. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

8. **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

9. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
  - i) appointed a principal certifying authority for the building work, and
  - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-

- i) notified the consent authority and the council (if the council is not the consent authority) 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
- b2) 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 certifying authority of any 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
- c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act

#### 10. **Principal Certifying Authority**

- a) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
- b) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- c) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- d) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
  - 1) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
  - 2) 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*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
  - 3) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying

- authority has control, and
- 4) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
  - 5) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- e) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

**Note.** Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

Reason:- to comply with the requirements of Section 109E of the Environmental Planning and Assessment Act.

11. **Provision of Street Numbers**

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

Reason:- to clearly identify the street number of the property.

12. **Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

13. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car

parking for people with disabilities are to be included in the plans/specifications for the **construction certificate**.

Reason: to ensure compliance with the requirements of the Building Code of Australia

14. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992

15. **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 109EA of the Environmental Planning and Assessment Act and clause 162 of the Environmental Planning and Assessment Regulation.

16. **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason:- to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

17. **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100.

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

18. **Separate Development Consent**

No additional signs, whether for advertising, directory or identification purposes or for any other purpose, are to be erected on the land without the written consent of Council having first been obtained.

Reason:- to limit and control advertising.

19. **Business and building identification signage**

Business and building identification signage shall comply with the following:-

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent of Council.
- c) The signage shall not:-
  - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
  - ii) include any apparatus to provide any sound;
  - iii) carry a message(s) which is offensive;
  - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
  - v) contain interchangeable or movable parts;
  - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
  - vii) must not impede the ability of the occupants to exit the building under emergency conditions.
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

20. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.



Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

21. **Information required prior to the issue of Construction Certificate**

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, **prior to the granting of the construction certificate**:

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- d) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
- e) Method of protecting window/door openings as required by BCA Part 3.
- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

Reason:- to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

22. **Prior to the issue of the construction certificate**

The following structural engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate:

- a) Reinforced concrete strip footings.
- b) Reinforced concrete raft slab.
- c) Suspended reinforced concrete slabs.
- d) Structural steelwork.
- e) Structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".
- f) Upper floor joist layout
- g) Retaining walls.
- h) Roof trusses.
- i) Wall/roof bracing

- j) The existing structure is to be certified as being structurally adequate to carry out the proposed additional loadings.
- k) Other.

Reason:- to ensure the building or structure and its materials and components are capable of sustaining at an acceptable level of safety and serviceability.

23. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

24. **Maintain plans on-site**

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

25. **PCA – Inspection of works – general & site management**

The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (*as applicable*), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

**ADVISORY NOTE**

*If Council is appointed as the PCA, the following critical inspections (as applicable to the development), must be arranged:*

- a) *Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.*
- b) *Subdivision works (including drainage lines and the construction of roadways)*
- c) *The pier holes before they are filled with concrete.*

- d) *The foundation material prior to covering.*
- e) *The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).*
- f) *The dampcourse level, ant capping and floor timbers before the floor materials are laid.*
- g) *The framework including roof members when completed and prior to the fixing of any internal sheets.*
- h) *Prior to covering waterproofing in any wet area.*
- i) *Fire resisting construction before concealment.*
- j) *Upper floor beams and joists before the fixing of any flooring material.*
- k) *The rainwater drainage lines within the property boundaries when completed and before covering.*
- l) *The swimming pool safety fence prior to filling the pool with water.*
- m) *Foundation material before installation of the swimming pool or laying of any bedding material.*
- n) *Pool shell reinforcement including pool coping.*
- o) *Final inspection*

*A minimum of 48 hours notice must be provided to Council to enable the following inspections to be carried out during the course of construction*

Reason:- to ensure the development is adequately monitored during the construction phase.

26. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

27. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

28. **Toilet accommodation for people working at the site**

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

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

Reason:- to ensure suitable toilet accommodation is provided for workers.

29. **Survey Report**

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:**

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

Reason:- to ensure each stage of the development complies with the approved plans.

30. **Excavated and Filled Areas**

All excavated and filled areas shall be battered to a slope not steeper than two (2) horizontal to one (1) vertical and the fill area shall continue a minimum of one metre past the edge of the house, or similarly be retained in accordance with a retaining wall detail approved by Council. In the event that the retaining wall exceeds 600 mm when measured vertically from the base of the cut, the wall shall be designed by a practicing Structural Engineer, the details submitted to Council, and approved prior to work commencing.

Reason:- to adequately retain excavated and filled areas and prevent soil movement, which may be detrimental to the subject or adjoining premises.

31. **Fencing of Construction Sites – Rental details to be provided to the PCA**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-**

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.**
- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A Hoardings.**

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

32. **Sedimentation Control**

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

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **Failure to do so may result in the issue of penalty infringement notices.**

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

33. **Display of a warning sign for soil and water management**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

34. **Excavations extending below the base of footings of adjoining development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

35. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

Note: Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing

structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Note: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

Reason: to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

36. **Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason: to ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

37. **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason:- to ensure compliance with the requirements of the National Construction Code.

38. **Hazardous Material Survey**

A Hazardous Material Survey shall be completed by an Occupational Hygienist. A copy of the report shall be submitted to Cumberland Council for assessment and comments prior to the issue of the Construction Certificate.

Reason:- to ensure compliance with the recommendation of the Phase 1 Environmental Site Investigation and the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act.

39. **Demolition of buildings**

The building/s shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off to Council's requirements.
- e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

40. **Demolition - Lead Management Work Plan**

A Lead Management Work Plan shall be prepared in accordance with AS2601-2001 *Demolition of Structures* by a person with suitable expertise and experience and submitted to the PCA or Council for approval prior to the issuing of the Construction Certificate. The Lead Management Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-



- a) AS 4361:1998 Guide to lead paint management;
- b) Australian Standard AS 2601: 2001 Demolition of Structures;
- c) Lead Safe A renovator's guide to the dangers of lead, NSW EPA, 1998 (booklet)

Reason:- to ensure suitable procedures are employed to manage demolition activities involving lead paint.

41. **Demolition – Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

42. **Demolition – common sewerage system**

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

43. **Demolisher Details**

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
  - i) Written notice, indicating the date when demolition of the building is to commence.
  - ii) The demolisher's full name and address.
  - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*"; and,
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.

- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

44. **Demolition Works – noise and vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

45. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
  - i) Work Health and Safety Act 2011;
  - ii) *The Work Health and Safety Regulation 2011;*
  - iii) *Protection of the Environment Operations Act 1997*
  - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
  - v) *Waste Avoidance and Resource Recovery Act 2001.*

- vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
- vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
- viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

46. **Services to be capped**

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, eg. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason:- to ensure all services are capped adequately.

47. **Site to be kept in a clean condition**

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

Reason: to control soil erosion, and not have any unsightly views.

48. **Neighbour 24 notification of commencement of demolition**

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

**49. Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

*Reason:-* to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

**50. Compliance with Submitted Acoustic Report**

The noise control measures specified in the acoustic report prepared by Rodney Stevens Acoustics, report number R170151R1, revision 1 and dated 8 November 2017, shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

*Reason:-* to ensure all acoustic measures are installed into the child care centre as per the recommendations that are made.

**51. Noise and Vibration**

The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure  $L_{Aeq,period}$  at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure  $L_{Aeq,15min}$  at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above  $L_{Aeq}$  sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

52. **Air conditioning units – location and acoustics**

- a) 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.
- b) The operation of air conditioning units shall be so:
  - (i) as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
  - (ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
  - (iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.
- c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

53. **Intruder Alarms**

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

54. **Occupation Certificate**

A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 109M/N of the Environmental Planning and Assessment Act.

55. **Hours of operation**

The hours of operation of the development are limited to 7.00 a.m. to 6.00 p.m. Monday to Friday.

*Reason:-* to limit the operating hours of the development so as to reduce the likely nuisance on adjoining development.

56. **Limit on children attending the child care centre**

The number of children attending the child care centre shall not exceed 92 broken into the following numbers and categories:-

Age category	Maximum number of children
0-2 year old	32
2-3 year old	20
3 to 6	40
<b>Total</b>	<b>92 Children</b>

*Reason:-* to limit the capacity of the child care centre based on the level of servicing available.

57. **Use of building not to commence until conditions of consent satisfied**

The use of the premises is not to commence until all terms of this consent have been satisfied.

*Reason:-* to ensure compliance with the terms of the development consent.

58. **Display of goods not permitted outside building or property**

Materials, goods, plant, equipment, signage, advertising structures or the like are not to be stored, placed or displayed anywhere outside the building or property without Council approval.

*Reason:-* to avoid visual intrusion into areas adjoining the site.

59. **Removal of litter and graffiti:**

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

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

*Reason:-* to maintain a satisfactory level of amenity in the locality.

60. **Amended drainage and architectural plans**

Amended stormwater and architectural plans addressing following shall be submitted to and approved by **Cumberland Council's Manager Development Assessment**.

- a) Stormwater plan shall show the details of the stormwater pipe along the easement and stormwater pipe outlet in Pegler Avenue.
- b) Grated access cover shall be provided behind the flap valve.
- c) All the access covers over the OSD tank shall be minimum 900x900 in size with double (2/900x450) hinged grates.
- d) A crest shall be provided in the driveway within the site to prevent stormwater runoff from the site enters into the carpark. The crest shall be minimum 100mm above the adjacent top of kerb level.
- e) Stormwater from the street shall not enter into the development. In this regard, carpark and footpath levels shall be amended.
- f) Overland flow from the adjoining properties shall be retained. The flows shall not enter into the car parking area or OSD tank.
- g) Waste collection arrangement details shall be submitted. Waste collection shall be provided in accordance with Parramatta City Council's Waste Management Guidelines for new Development 2016.
- h) Delivery vehicle access arrangement details shall be submitted.

Reason:- to ensure stormwater design and waste collection comply with Council's DCP.

61. **Stormwater disposal**

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

Reason:- to prevent localised flooding

62. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987". In this regard,

- i. The proposed stormwater system shall be generally in accordance with the amended stormwater concept plans **approved by Cumberland Council's Manager Development Assessment**
- i. OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.
- ~~i. Overflow system from the rainwater tank shall be modified in order to prevent overflow from OSD system enter in to the rainwater tank.~~
- i. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- i. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

Reason:- to ensure the stormwater is suitably discharged.

63. **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.

64. **Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with Council's on-site stormwater detention parameters. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Property Information. Evidence confirming the positive covenant has been registered shall be submitted to Council **prior to occupation of the building or issue of the occupation certificate.**

Work as executed plan(s) and engineers certifications shall be submitted to and approved by Council prior to the endorsement of Positive Covenant.

*Reason:-* to prevent localised flooding by ensuring the detention system is maintained as designed.

65. **Maintenance schedule – OSD**

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

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

66. **Annual maintenance inspection of OSD**

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

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

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



**67. Footpath Construction – Blaxcell Street**

The footpath adjoining Blaxcell Street frontage shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

- Detail footpath design shall be submitted and approved by Council's Works and Services section prior to the issue of a Construction Certificate.
- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpat shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation certificate.
- All associated cost shall be borne by the applicant

Reason: to provide a safe footpath for increased pedestrian use and one that will complement the Council requirements

**68. Work-as-Executed Plan**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Principal Certifying Authority. Copy of the documents shall be submitted to Council if Council is not the Principal Certifying Authority. Works-As-Executed stormwater plans are to address the following:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

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

Reason: to ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

**69. Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

70. **Vehicle Driveway Crossings and Gutter Laybacks**

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

71. **Carrying capacity of driveways – Heavy duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

72. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

73. **Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

74. **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.

75. **Redundant driveway**

**Prior to the issue of any Occupation Certificate,** redundant driveway shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

Arrangements shall be made with Council's Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

*Reason:-* to ensure Council's assets are restored in accordance with Council's standard.

76. **Works within Council controlled lands**

- (1) For drainage works:
- a) Within Council controlled lands.
  - b) Connecting to Council's stormwater drainage system.

Inspections will be required:-

- 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.
- (2) 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.
- (3) Work is not to proceed until the works are inspected and approved by Council.

*Reason:* to ensure works on public/Council controlled lands are carried out as per Council's requirements.

77. **Number of Car Parking Spaces**

A total of 23 off-street car parking spaces are to be provided to the development including 3 accessible parking spaces. 1 turning bay shall also be provided. The spaces are to be suitably sealed, marked, drained and freely accessible at all times.

*Reason:-* to ensure there is sufficient car parking for the development and to comply with Auburn Parking & Loading DCP.

78. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

79. **Vehicles Related to the Development to be Parked on the Development Site**

**All vehicles associated with the use of the premises shall be parked within the confines of the site at all times.**

Reason:- to minimise the impacts of car parking on local streets does not impact surrounding development.

80. **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.

81. **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

82. **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

83. **Food Premises Fitout - Compliance with Standards**

The fitout of the food premises shall comply with the requirements of *Australian Standard 4674-2004, Design, Construction and Fit-out of a Food Premises* and *Food Safety Standard 3.2.3, Food Premises & Equipment*.

Reason:- to ensure the food premises fitout complies with relevant standards.

84. **Design and Construction of Food Premises**

The design and construction of food premises must comply with the following requirements, as applicable:-

- a) No alterations to the shop or any fittings therein (including the installation of new items of equipment) are to be made without the prior approval of the Principal Certifying Authority.

- b) **Areas intended to be used for storing & preparing food or for storing food packaging & equipment shall be physically separated from chemical storage areas, living & sleeping areas, toilets & change rooms, garbage & recycling facilities and all other activities likely to pose a risk of food contamination.**
- c) Adequate space shall be provided on the premises for the storage of dry goods, fresh fruit & vegetables, returned food, recalled food, packaging material and utensils & equipment.
- d) All windows, doors, entrances/exits and serving latches shall be protected against the entry of pests.
- e) Where doors and windows need to be pest proofed against flying insects only, they may be protected by:-
  - i) Air curtains that effectively prevent insects entering the premises; or
  - ii) Being fitted with plastic strip curtains that effectively exclude flying insects; or
  - iii) Opening into vestibules with self-closing doors; or
  - iv) Fitting the bottom edge of doors or bottom sash of windows (where practicable) with a seal; or
  - v) Provide a fly zapper that is to remain on during business operating hours.
- f) Insect control devices shall be installed so that the devices are **not** located directly over food preparation working areas, exposed food, clean equipment and/or unwrapped packaging material.
- g) All service pipes, drains, cables and duct penetrations shall be effectively sealed to prevent entry of pests.
- h) All service pipes conducts and electrical wiring shall either be concealed in the floor, plinths, walls & ceiling or fixed on brackets to provide a clearance at least 25mm and 100mm from the adjacent vertical and horizontal surface respectively.
  - i) Spaces between adjoining structures, such a between coolroom / freezer walls and premises walls and the external roof, shall be accessible for inspection and cleaning or sealed with a suitable compound to prevent the entry of pests.
  - j) The applicant shall refer to Sydney Water for trade waste requirements **prior** to the business use commencing.
- k) Grease arrestors shall not be located in areas where food, equipment or packaging materials are handled or stored.
- l) In areas where open food is handled or stored, light fittings shall be provided with fitted light diffusers to prevent contamination of food should the globe or tube shatter and allow easy access for cleaning.
- m) Floors in the food premises shall be finished with a surface that complies with Table 3.1 of AS 4674.2004.
- n) Floors in the food preparation areas shall be graded and drained to a floor waste connected to the sewerage system.
- o) The intersection of floors with walls shall be coved in accordance with diagrams 3.1 and 3.2 of AS 4674.2004.

- p) The plinths shall be of solid construction and not less than 75mm high with an impervious finish and consistent with the floor surface in table 3.1 of AS 4674 including coving.
- q) Walls in the food premises shall be of solid construction and finished with a material in accordance with Table 3.2 of AS 4674-2004.
- r) Wall surfaces shall provide a smooth even finish, free of buckles, ledges, fixing screws, picture rails, open joints, cracks & crevices.
- s) Ceilings in the food premises shall consist of a non perforated material and finished free of open joints, cracks & crevices.
- t) The intersections of walls and ceilings shall be tight jointed, sealed and dust proof.
- u) Ceilings in other areas shall be installed in accordance with the requirements of Table 3.3 of AS 4674-2004.
- v) Drop-in removable ceiling panels shall **not** be used in food preparation areas or where open food is being displayed or stored.
- w) The food premises shall be provided with a single bowl sink with supply of hot water at a temperature of not less than 45°C for washing operations only where pre-packed food, drink and uncut fruit & vegetables are being sold.
- x) The food premises shall be provided with a double bowl sink with a supply of hot and cold water through a common mixing spout. Hot water shall be provided at a temperature of at least 45°C for washing operations.
- y) All fixtures, fittings and equipment in the food premises shall be designed in accordance the requirements of Table 4.3 of AS 4674.
- z) Fixtures, fittings and equipment shall comply with one of the following options:-
  - a) movable for cleaning;
  - b) built into walls with the enclosure completely vermin proofed;
  - c) butted against walls or other equipment and the joints sealed;
  - d) installed with clearance distances compliant with Figure 4.4 of AS 4674.2004; or
    - a.if installed on a plinth, installed such that it overhangs the plinths.
- aa) All equipment used for display or storage of hot foods must be capable of maintaining such food at a temperature of not less than 60°C, and being fitted with an approved thermometer able to read easily from the outside of the appliance for the purpose of measuring this temperature.
- bb) All equipment used for display or storage of cold foods must be capable of maintaining such food at a temperature below 5°C. Frozen foods must remain in a frozen state. The coolroom and freezer must be fitted with an approved thermometer able to be read easily from the outside of the appliance for the purpose of measuring this temperature.
- cc) Hand wash basins shall be provided adjacent to each toilet, with taps that operate hands free. The hand wash basin shall be provided with a permanent supply of warm water delivered through a single outlet.

- dd) Hand wash basins shall be provided at a distance of no greater than five metres from a food preparation area where open food is handled. Hand wash basins shall be provided with taps that operate hands free and be provided with a permanent supply of warm water delivered through a single outlet.
- ee) A sufficient supply of liquid soap and disposable hand towels shall be provided at the hand wash basin.
- ff) A separate area shall be provided for the storage of employees clothing, cleaning material and equipment.
- gg) Toilet facilities shall be in accordance with the BCA and shall be separated from areas where open food is handled, displayed & stored or provided with self-closing doors and a mechanical exhaust system that operates when the sanitary compartment is in use.
- hh) Access to toilet areas shall not be provided through areas (other than the dining area) where open food is handled, displayed or stored.
  - ii) All waste material shall be stored in containers with tight fitting lids at all times.
  - jj) No food whether covered or uncovered shall be stored outside of the external building facade.

Reason:- to ensure the fitout complies with the food premises standards.

#### 85. **Foodshop notification and inspection**

- a) Foodshop notification shall be obtained from the NSW Food Authority, **prior** to commencement of business operations and a copy of the notification shall be submitted to Council. Notification can be completed on NSW Health Department's web site at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)
- b) The applicant shall notify Council not less than forty-eight (48) hours **prior** to the proposed occupation of the premise to arrange for a final compliance inspection.
- c) The applicant shall not operate the food premises until an occupation certificate has been issued.

Reason:- to enable registration of the food premises and to ensure appropriate inspections are made of the food premises.

#### 86. **Mechanical Ventilation/Exhaust System**

- a) Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to Council or the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
- b) At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:-
  - i) inspection, testing and commissioning details,
  - ii) date of inspection testing and commissioning,

- iii) the name and address of the individual who carried out the test, and
  - iv) a statement that the service has been designed, installed and is capable of operating to the above standard.
- c) In the event of Council receiving complaints resulting from the mechanical exhaust system, the owner/occupier shall at their own cost provide a report from a Air Quality Consultant specifying the proposed methods for the control of odour and other air impurities discharging from the premises.
  - d) The mechanical exhaust vent shall extend no less than one (1) metre above the subject buildings apex, or the adjoining buildings apex in the event of a shared common wall.
  - e) Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.
  - f) Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

Reason:- to ensure compliance with relevant standards.

87. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

88. **Off-site soil disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

89. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule**, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.



**NOTES:**

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
  - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is , or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

90. **Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an **annual fire safety statement**, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

- a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

**NOTES:**

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-
  - i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

91. **Fire Safety Notices**

**The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of “Offences relating to fire exits”. The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.**

*Reason:-* to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

92. **Arrangements for Water and Sewer Services**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

**Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 132 092.**

Following application a “Notice of Requirements” will detail water and sewer extensions to be built or charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to release of the final plan of subdivision or occupation of the development.**

*Reason:-* to ensure that adequate water and sewer services can be provided to the site.

93. **Sydney Water Approval**

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap" in system by the Sydney Water Authority.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

Reason:- to ensure the development does not damage or interfere with Sydney Water assets.

94. **Television Aerial/Satellite Dish**

A single common television aerial, and/or satellite dish (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.

95. **Mail Box Structure**

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

Consent to operate from :	Refer to Clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 – Date to be advised by Council following compliance with the “Deferred Commencement” conditions.
Consent to lapse on:	Five (5) years from the date of determination.
Other approvals  List Local Government Act 1993 Approvals granted under s 78A(5)	Not Applicable
Right of appeal (also see note 3)	<p>If you are dissatisfied with this decision section 97 of the <i>Environmental Planning and Assessment Act 1979</i> gives you the right to appeal to the Land and Environment Court within:</p> <ul style="list-style-type: none"> <li>• 12 months - consents lodged before 27 February 2011</li> <li>• 6 months – consents lodged after 28 February 2011</li> </ul> <p>* section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State Significant Development or local designated development that has been the subject of a Commission of Inquiry.</p>
Signed	on behalf of the consent authority
Signature Name	<b>Hamish McNulty</b> <b>ACTING GENERAL MANAGER</b>
Note 1	Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.
Note 2	Clause 101 of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.
Note 3	Section 82A of the Environmental Planning and Assessment Act permits a review of the determination



CUMBERLAND  
COUNCIL

Civic Centre, 1 Susan Street, PO Box 118, Auburn, NSW 1835 Australia  
Telephone: 9735 1222 Facsimile: 9643 1120 Email: auburncouncil@auburn.nsw.gov.au Web:  
www.cumberland.nsw.gov.au

### OFFICE USE ONLY

Fee :	\$122.30 unless otherwise advised	Receipt Date:	
Receipt No:		Application No:	DA-290/2017

THIS FORM SHALL ONLY BE USED FOR APPLICATIONS THAT HAVE RECEIVED A DEFERRED COMMENCEMENT CONSENT BY COUNCIL.

### DESCRIPTION OF PROPOSAL

- List the deferred commencement conditions and the information provided to satisfy the consent requirements.


### LOCATION & PROPERTY DESCRIPTION

This will help us to correctly identify the land. You must indicate the correct Lot and DP or SP – get these from rates notices, property deeds or if unsure, ask us for assistance.

Address:	331 Blaxcell Street, SOUTH GRANVILLE NSW 2142
Lot & DP/SP:	Lots 40/41 Sec 1 DP 5121

### APPLICANTS DETAILS

All correspondence relating to this application will be sent to this address.

Name(s):	Zinnia Group C/- Minto Planning Services Pty Ltd		
Address:	PO Box 225 THORNLEIGH NSW 2120		
Suburb:		Postcode:	
Phone:		Fax:	
Mobile:		Contact Person:	
Email:			
Applicant's Signature(s):	X		

## SUPPORTING INFORMATION

- Please refer to the deferred commencement conditions of consent for submission requirements.
- You can support your application with additional material, such as photographs, aerial photographs, slides, models and plans to illustrate your proposal.
- Please list what you have attached in a separate covering letter or plan cover sheet.
- **ALL plans submitted are to be folded, not rolled.**

## YOUR DECLARATION (*applicant to complete*)

I/We the undersigned hereby apply for approval to obtain operational consent described above in the plans, specifications and documents accompanying the application.

I/We undertake to carry out that development/activity in accordance with any approval granted by the Council and to conform with the provisions of the relevant Act(s), Regulations, Codes and planning instruments.

I also understand that:

- if incomplete, the application may be delayed or rejected.
- more information may be requested.
- A fee is applicable for the assessment of a deferred commencement approval or additional information provided.

I also give consent for authorised Council officers to enter the land to carry out inspections, take photographs, videos, surveys and measurements.

Name(s):

Signature(s):

Date:

## PRIVACY POLICY

Some of the information that Council is collecting from you in this form is 'personal information' for the purposes of the *Privacy & Personal Information Protection Act 1998 ("PIPA Act")*. The supply of the information by you is voluntary. If you do not provide the information, Council will be unable to process your application. Council is collecting this personal information from you in order to process your application in accordance with the *Environmental Planning & Assessment Act 1979*. You may make an application for access or amendment to your personal information. The information will be retained by Council and stored in a register that can be viewed by the public at any time in accordance with the *Local Government Act 1993*. Your application may be advertised to the public for comment, in accordance with Council policies and relevant legislation. You may make a request that Council suppress your personal information from a public register in accordance with the PIPA Act. For more information about your privacy please contact Cumberland Council.

## HOW TO LODGE THIS APPLICATION

Address the application to:	The Interim General Manager, Cumberland Council, PO Box 118, Auburn. NSW 1835	
Courier:	Civic Place, 1 Susan Street, Auburn. 2141	
Contact us by Phone & Fax:	Ph: (02) 9735 1222	Fax: (02) 9643 1120
Email/Web:	Email: auburncouncil@auburn.nsw.gov.au	Web: www.cumberland.nsw.gov.au
Office Hours:	8.30am-4.00pm Monday to Friday	Cash payments accepted between these hours.
Fees	Fees are calculated on a scale based on Part 15 of the Environmental Planning and Assessment Regulations. Please ask us for the fee charged.	
Payment Method	Payment is by cash or cheque. Do not send cash in the mail.	Make cheques payable to Cumberland Council. Payments may also be made through Bankcard, Visa, EFTPOS or MasterCard.
Acknowledgements	We will acknowledge that we have received your application and some fees may attract GST. These will be shown on your receipt.	
Making a personal visit?	Civic Place, Customer Service Counter, 1 Susan Street, Auburn. 2141	
<b>PLEASE NOTE: APPLICATIONS RECEIVED BY EMAIL OR FAX CANNOT BE ACCEPTED.</b>		