

Minutes of the Cumberland Local Planning Panel Electronic Determination held on Wednesday 3 March 2021.

PRESENT:

Julie Walsh (Chairperson), Marjorie Ferguson, Michael Ryan and Irene Simms.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ITEM LPP053/20 - DEVELOPMENT APPLICATION FOR 11 HILLTOP ROAD, MERRYLANDS

BACKGROUND:

This Development Application was considered at the Cumberland Local Planning Panel meeting on 11 November 2020 when the matter was deferred for further information to be provided in relation to traffic and heritage issues. The Panel has considered the following additional information provided:

1. Supplementary Council Officer's report;
2. Amended draft conditions;
3. Traffic Report by TEF Consulting dated 2 December 2020;
4. Statement of Heritage Impact by Archnex Designs amended January 2021; and
5. Reports of Niche Environment and Heritage dated 15 December 2020, 16 December 2020 and 24 February 2021.

Panel Decision:

The Development Application 2020/0341 be approved as a deferred commencement consent subject to the amended conditions of consent attached and marked "A".

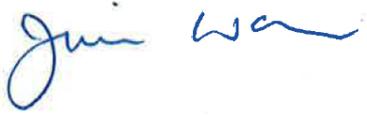
For: Julie Walsh (Chairperson), Marjorie Ferguson, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

The Panel generally agrees with the Council Officer's reports and acknowledges the Officer's most recent comments in respect to the independent heritage advice that was received. The Panel is now satisfied that the additional information supports the permissibility of the use within the zoning, and has no adverse environmental impacts, and represents a suitable adaptive reuse of the heritage item.

Signed:



Julie Walsh
Chairperson

Attachment “A”

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0341
Applicant:	J Khouri 26 Lardelli Drive RYDE NSW 2112
Property Description:	11 Hilltop Road MERRYLANDS NSW 2160, Lot X DP 405801
Development:	Alterations and fit out of an existing heritage item to facilitate a 56 place centre based child care facility with 20 at-grade parking spaces
Determined by:	Cumberland Local Planning Panel

CONDITIONS OF CONSENT

Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**

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

(Reason: Statutory requirement)

Schedule ‘A’

2. **DADCA02 - Easement Creation**

A drainage easement **1.00m wide (minimum)**, subject to diameter of the pipe, and corresponding with the stormwater drawing, being created in favour of the property to be developed over downstream properties, to permit the disposal of stormwater to **Essey Place, Merrylands**. Documents relative to the creation of the easement to be lodged with the NSW Land Registry Service with registration being effected prior to Schedule B conditions becoming operational. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

(Reason: To ensure legal means of discharge stormwater via gravity and/ or prevent localised flooding)

3. **DADCZ01 – Drainage Easement Plan**

The proposal includes the discharge of stormwater from the site into the downstream neighbouring property(s). In this regard, all details as per section 7.8 of Council’s On-site Stormwater Detention (OSD) policy shall be provided and the following:

- i. Full details of stormwater drainage within the easement. Calculation shall be provided demonstrating the proposed easement pipeline is sufficient to carry the flow from the proposed OSD system and flow bypassing OSD system.
- ii. A long-section of the drainage pipe within the easement, including details of any existing services.
- iii. The drainage easement location shall not disturb any structures or root zone of existing trees within the property/properties.
- iv. All trees within, overhanging or within 5m of the proposed easement shall be accurately indicated.

(Reason: Stormwater Management)

4. DADCZ02 – Median Island

A plan showing a raised median island on Hilltop Road in front of the subject site shall be prepared and submitted to Council for approval by the Local Traffic Committee. The following shall also be addressed:

- (a) The plans shall be prepared in consultation with Council's Traffic Engineering Section.
- (b) Consultation with the owners and occupants of all properties which may be affected by the median island shall be undertaken by the applicant, and the written consent of the affected property owners shall be submitted to Council.
- (c) A detailed survey plan shall be prepared by a registered surveyor, showing the location of all existing driveways located on either side, and opposite the proposed development (i.e., up to 30 m from the site) and the proposed driveway, existing signs and line marking and any other existing traffic measures.

Note: all works associated with the design and construction of the median island are to be borne by the applicant and at no cost to Council.

(Reason: Traffic Management)

General Conditions

5. DAGCA01- General

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

(Reason: Advisory)

6. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
Project No. 19039, Drawing No. 02, Rev D	Site Analysis	Baini Design	1/04/2020
Project No. 19039, Drawing No. 03, Rev D	Ground Floor	Baini Design	1/04/2020
Project No. 19039, Drawing No. 04, Rev D	Ground Floor Split	Baini Design	1/04/2020
Project No. 19039, Drawing No. 05, Rev D	Elevations	Baini Design	1/04/2020
Project No. 19039, Drawing No. 06, Rev D	Callout Elevations/Sections	Baini Design	1/04/2020
Project No. 19039, Drawing No. 09, Rev D	Schedule of Existing External Materials and Finishes	Baini Design	1/04/2020

Project No. 19039, Drawing No. 14, Rev D	Evacuation Plan	Baini Design	1/04/2020
L - 01, Issue E	Landscape Concept	Outside in Design Group	31/03/2020
L - 02, Issue E	Landscape Concept	Outside in Design Group	31/03/2020
L - 03, Issue E	Landscape Concept	Outside in Design Group	31/03/2020
Project Number ACE170219.SW.DA, Drawing No. 101,102, 103 & 104, Issue B	Storm Water Concept Plan and On-site Detention Calculation Sheet	Australian Consulting Engineers Pty Ltd	21/05/2020
E192-2	Detailed Site Investigation	Geotechnical Consultants Australia	19/6/2019
E192-3	Statement Letter	Geotechnical Consultants Australia	11/09/2020
10-1383-SW-01, Rev 0	Asbestos Control Plan Removal Scope of Works	BBN Consulting	8/05/2020
10-1383-IR-01	Asbestos Clearance Certificate	BBN Consulting	17/05/2020
TK539-01F02 (r1)	Acoustic Report	Renzo Tonin	29/11/2018
	Plan of Management	LZ Pty Ltd T/A Little Zak's Academy	May 2020
	Schedule of Conservation Works and Planned Cyclical Maintenance	Weir Phillips Heritage and Planning	May 2020
	Building Fabric Survey	Weir Phillips Heritage and Planning	May 2020
	Waste Management Letter	Elephants Foot	23/10/2019
	Waste Management Plan	Bain Design	25/5/2020

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

7. DAGCA04 - Child Care Centre

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 56 children. A separate approval and/or license will be required from the Department of Education and Communities (DEC) prior to commencement of operations. Compliance with the Education and Care Services National Regulations is required at all times.

(Reason: Clarify approved use)

8. DAGCA05 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

9. DAGCA06- Heritage - No Demolition of Extra Fabric

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and

written notification given to Council. You must obtain written approval of Council prior to work proceeding.

(Reason: Heritage conservation)

10. **DAGCA07 - Separate Approvals**

Separate Development Approval shall be obtained for the installation of signage in association with approved use.

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

11. **DAGCA08 - Obtaining a Construction Certificate for Building Work**

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

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

(Reason: Information)

12. **DAGCB02 - Food Premises - Design, Construction and Fitout of Food Premises**

The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

13. **DAGCB03 - Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)

14. **DAGCB04 - Street Numbering of Lots and Units**

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council.

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

15. **DAGCB07 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

16. **DAGCD06 - Mechanical Ventilation**

The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards)

17. **DAGCD07 - Waste Management**

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

(Reason: Compliance with approval)

18. DAGCZ01 – Land Contamination

The recommendations of the Detailed Site Investigation prepared by Geotechnical Consultants Australia, report number E192-2, dated 19 June 2019 must be implemented prior to/during the necessary demolition and excavation works.

(Reason: Site Remediation)

19. DAGCZ02 – Surface Runoff

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

(Reason: to prevent adverse impact on adjoining properties.)

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

20. DAPDA01 - Heritage - Submission of Photographic Survey

Prior to the commencement of demolition of or alterations to the heritage item, a photographic survey must be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Photographic Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

(Reason: To provide an accurate record of the building)

21. DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

Note: This only applies to demolition work associated with an altered portion or an extension to an existing building and does not apply to demolition works prior to a new development/build, as demolition may occur prior to a Construction Certificate being issued.

(Reason; Statutory Requirement)

22. DAPDB02 - Demolition - General

Demolition - General

a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:

- The date when demolition will commence,
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
- The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.

b) Demolition of buildings and structures must comply with all current and relevant Australian

Standards.

- c) Demolition works are restricted as follows:
- Monday to Saturday inclusive - 7:00am - 5:00pm
 - Sundays and Public Holidays - No work
- d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
- The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information:
www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher,

- contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

23. DAPDB07 - Site Safety Fencing - Demolition Only

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

(Reason: Public safety)

24. DAPDB08 - Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 - Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

25. DAPDB09 - Tree Preservation

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

(Reason: Tree Preservation and Protection)

26. DAPDB10 - Demolition, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to Principal Certifying Authority prior to the commencement of any demolition and construction works on site.

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

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

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

- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

27. DAPDB11 - Hazardous Materials Survey Required

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

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

28. DAPDB12 - Sediment and Erosion Control measures

Prior to the commencement of any works, temporary sediment and erosion control measures are to be installed in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines and maintained during the demolition, excavation and construction phase of the project to the satisfaction of Council and the Principal Certifier. The following measures should be included:-

- (a) A stabilised dish shaped diversion drain or similar structure constructed above the proposed building works to divert overland run-off to a stabilised discharge area such as dense ground cover or turf;
- (b) Sediment-trapping fencing using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area;
- (c) Vegetation and areas not affected by the construction are to remain undisturbed;
- (d) Provision of one designated point for vehicular access which is adequately covered at all times with blue metal or the like to prevent mud and dirt leaving the site and being deposited on the street. Wheel wash/shakers may be required for extensive construction works;
- (e) Building operations such as brick cutting, washing tools or brushes and mixing mortar must not be carried out on public roadways or footway areas;
- (f) Stockpiles such as topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls; and
- (g) Gutters, downpipes and the connection of downpipes to the stormwater disposal system must be complete prior to the fixing of the roof cladding.

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

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

29. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- a) The trees to be transplanted within the site are to be clearly shown on the stormwater plans.
- b) The waste storage area is to be relocated towards the northern side behind the existing heritage item building curtilage, marked in red.
- c) Plans and elevations of the external storage shed/s are to be prepared, clearly detailing the height, footprint, and finish of the shed/s. A minimum of 15.9 m³ of external storage is to be provided.
- d) A noise management plan is to be prepared by a suitably qualified person.
- e) The architectural plans are to be amended to provide a laundry with adequate space and facilities to cater for the laundering needs of the centre, within the rear wing of the building (not within the original dwelling).
- f) The architectural plans are to be amended to provide for a continuous hallway running from the internal stair to the rear verandah, in order to ensure adequate natural light and ventilation is provided to that space, and to allow for children in the 3-5 year old play area to access the outdoor play area without using the side passageway, or passing through other indoor play areas.
- g) The architectural plans are to be amended to provide for a hand washing basin for the educators in the nappy change areas and for spacing between cots to allow for adult body space.
- h) Architectural, stormwater and landscape plans are to correspond with each other.

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

30. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

31. DACCA03 - Disabled Access & Facilities

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

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

32. DACCA04 - Works within Boundary

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

(Reason: To ensure protection of adjoining properties)

33. DACCB01 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

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

(Reason: To protect Council infrastructure)

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

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

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

35. DACCB04 - Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan, is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Cumberland Local Infrastructure Contributions Plan can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

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

36. DACCB05 - Fees to be paid to Council prior to issue of the Construction Certificate

Damage Deposit	\$2,850.00
Sect. 7.12 Contributions	\$2,500.00 + CPI
Traffic Management Plan	\$201.00 initial fee
Cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time	\$1,500.00
Cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time	\$2,500.00
Design and checking inspection key stages for median island works	\$1,130.00
Cash bond or bank guarantee to cover the satisfactory construction of the median island works within Hilltop Road, Merrylands. This bond will be released following a satisfactory 6-month maintenance period following completion of these works to the satisfaction of Council	\$15,000.00

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

(Reason: Statutory requirement and information)

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

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

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

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

(Reason: Maintain public assets)

38. DACCC01 - Footpath Design Levels

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

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

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

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

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

(Reason: Public infrastructure)

39. DACCC02 - Protection of Public Places

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

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

(Reason: Safety)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required outside 11 Hilltop Road, Merrylands including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

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

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works outside 11 Hilltop Road is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

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

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

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

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

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

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

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

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

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

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

(Reason: Protection of Public Assets and information)

43. DACCE01 - Public Access

The public access generally as identified on the approved plans must be made available for the

public and an appropriate restriction and easement benefitting Council must be created under Section 88E of the Conveyancing Act to the satisfaction of Council.

The easement must reserve the land for the purposes of landscaping, public recreation and access, and allow unrestricted public access to this area including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes.

Notices must be prominently displayed at each end of the path clearly indicating the availability of public access.

The public access area must be maintained to the satisfaction of Council by the proprietors of the land including lighting, upkeep and repair of paths, landscaping, furniture and the like, as well as fencing. Proprietors must hold an appropriate public liability insurance and indemnify Cumberland City Council.

No access paths or the like are permitted within this area from the adjoining private use portion of the land other than as shown on the approved plans. No gates or the like are permitted within or at either end of the public area.

(Reason: To facilitate ongoing public access to the identified portion of the site)

44. DACCE02 - Construction Management Plan

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

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

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

45. DACCE03 - Construction Traffic Management Plan (CTMP)

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

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

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.
- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant Pedestrian Management Plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for

construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

46. DACCF02 - Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

47. DACCF06 – Tree Transplantation

Tree transplantation shall take place in accordance with a Transplant method Statement approved with the Construction Certificate and under the supervision of a qualified arborist or horticulturist.

(Reason: To ensure the survival of transplanted tree/s)

48. DACCF07 - Tree Transplantation - Tree Transplantation Method Statement

A Tree Transplantation Method Statement (TTMS) shall be submitted with the Construction Certificate application to the satisfaction of the Council. The TTMS is to relate to the Phoenix Palms to be transplanted:

The method statement shall be prepared by a qualified arborist or horticulturist and shall detail the following:

- pre-transplantation schedule of works;
- preparation of transplant site;
- transplantation method; and
- post-transplantation after-care and duration.

The above details shall be reflected in the final Landscape Plans to be submitted with the Construction Certificate application.

A suitably qualified Arborist/Horticulturist to at least Australian Qualifications Framework (AQF) Certificate Level 5 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the Phoenix Palms to be transplanted. Should the tree be identified as being in a state of decline during this process, a mature tree of the same height and similar species shall be planted on the site to Council's satisfaction.

The arborist/horticulturist undertaking the tree transplanting works is to liaise with the Landscape Designer/Architect and Project Manager to ensure the new location of the transplanted tree will not lead to future interference with proposed structures and existing/proposed utility services. Comment must be made regarding this in the report prepared for the tree transplanting. Consideration must be given to the proximity of the proposed locations of the transplanted trees, to the proposed car parking spaces.

(Reason: Tree preservation)

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

The following car parking and service vehicle requirements apply:-

- a) 20 car spaces shall be provided on the development site.
- b) This shall comprise of:-

- c) 5 staff spaces;
- d) 15 visitor spaces; including
- e) 1 car parking spaces for people with mobility impairment/disabilities in accordance with AS/NZD 2890.6-2009.

No tandem visitor spaces shall be permitted. All car spaces shall be allocated and marked according to this requirement. The parking dimensions, internal circulation, aisle widths, kerb splay corners and grades of the car parking areas are to comply with AS2890.1:2004. Details of such compliance are to be reflected on the Construction Certificate plans. Parking areas are to be accessible by 99% vehicles. Individual parking spaces are to be accessible by 85% vehicles. Visitor and staff spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting the premises located within the development.

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

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

The above details shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

50. DACCG07 - Maintaining Sight Lines

To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a height of 1.0 m maximum and at least 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be shown on the drawings.

(Reason: Safety)

51. DACCJ01 - Detailed Stormwater Drainage System Design

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

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

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

(Reason: Stormwater management)

52. DACCJ03 - Certification of the Stormwater Drainage System Design

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

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

the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

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

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

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

(Reason: Protection of existing drainage infrastructure)

54. DACCJ09 - Stormwater Connection to Public Drainage System within property

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

(Reason: Protection and maintenance of Council assets)

55. DACCK03 - Structural Adequacy of Existing Structure

A Certificate of Structural Adequacy prepared and signed by a qualified practising Structural Engineer with suitable professional indemnity cover must be submitted to the Principal Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of a Construction Certificate.

(Reason: Structural safety)

56. DACCK05 - Salinity

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

(Reason: Ensure appropriate construction methods are used)

57. DACCK06 - Retaining Walls

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

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

58. DACCK07 - Structural Engineer's Details

Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Accredited Certifier.

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

59. DACCL02 - Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be

submitted to the Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

(Reason: Ensure services are not disturbed)

60. DACCL03 - Adjustment to Telecommunications

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

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

61. DACCL06 – Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- (a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- (b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- (c) A hot and cold hose cock shall be provided within the room.

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

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

62. DACCL07 - Front Fence Height

The new front fence is to be a maximum height of 1.2 metres above Council's footpath at any point, the fence being stepped if necessary to comply with the height requirement.

(Reason: Streetscape)

63. DACCM01 – Food Premises – Certification Plans

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

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

64. DACCM03 – Mechanical Ventilation – Certification Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

65. DACCZ01 – Swept Path

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Drawings must be submitted with the Construction Certificate application.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles)

66. DACCZ02 – On-Site Detention System

The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number **2019-213** and Council's on-site stormwater detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall be addressed:

- a. Where there is potential for bypass for the side and rear setback, the roof gutter and downpipe system shall be redesign and upgraded to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.

(Reason: Adequate stormwater management)

67. DACCZ03 – Fire Safety

The existing levels of the fire safety measures are to be reviewed, and a Building Code of Australia (BCA) Compliance Report prepared by a suitably qualified person shall be obtained.

The recommendations made in this report for the installation of the fire safety measures shall be included in the assessment of the Construction Certificate. The measures those are identified as required in this report for fire safety upgrade works (if any upgrade works required) are to be included in the Construction Certificate and be implemented prior to the issue of any Occupation Certificate for the development.

The BCA Compliance Report must detail the measures considered appropriate as per the requirements of the Section C, D, E, and F of Building Code of Australia Volume 1:

- to satisfy the relevant performance requirements of the Building Code of Australia;
- to protect persons using the building;
- to facilitate their egress from the building in the event of fire; and
- to restrict the spread of fire from the building to other buildings nearby.

Please note that the Accredited Certifier engaged to be the Principal Certifying Authority (PCA) for the development may prepare this BCA Compliance Report if statutory function permits. And, the Accredited Certifier may choose to introduce Performance Solution in order to achieve compliance with the applicable parts of the BCA.

(Reason: Council considers that the building should meet the applicable parts of the BCA. This condition is placed in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.)

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

68. DAPCA01 - Appointment of Principal Certifier

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

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) given at least 2 days' notice to the Council, and the principal certifier if not

the Council, of the person's intention to commence the erection of the building, and

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

(Reason: Statutory requirements)

69. DAPCA03 - Site Safety Fencing

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

(Reasons: Statutory requirement and health and safety)

70. DAPCA04 - Principal Certifier Sign

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

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

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

(Reason: Statutory requirement)

71. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

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

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

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

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

73. DAPCA07 - Notice of Requirements from Sydney Water

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

(Reason: To comply with statutory requirements)

74. DAPCZ01 – Surveying - Boundaries

All footings and walls proposed within 1 metre of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority

(Reason: To comply with approved development)

Conditions which must be satisfied during any development work

75. DADWA01 - Construction Hours

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

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

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

(Reason: To minimise impacts on neighbouring properties)

76. DADWA02 - Dust Control - Minor Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Cumberland Council should it fail to adequately control any dust nuisance.

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

77. DADWA03 - Site Management

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

(Reason: Health and amenity)

78. DADWA04 - Unexpected find of Acid Sulphate Soils

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

environmental consultant, then all recommendations of this plan must be complied with during works.

(Reason: Environmental protection)

79. DADWA05 - Construction Management Plan

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

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

(Reason: Compliance with condition of consent)

80. DADWA06 - Stamped Plans

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

(Reason: To ensure compliance with approved plans)

81. DADWA07 - General Site Requirements during Demolition and Construction

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.

- o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

82. DADWA09 - Power Connection - Major Development

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

(Reason: To avoid visual clutter)

83. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

84. DADWA12 - Compliance with the Demolition and Construction Noise and Vibration Management Plan

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

(Reason: To protect residential amenity)

85. DADWA13 - Compliance with Hazardous Materials Survey Report

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

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

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

86. DADWA14 - Classification of Waste

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

(Reason: Environmental protection)

87. DADWA15- Importation of Fill

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

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

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known

- past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

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

88. DADWA17 - Notification of New Contamination Evidence

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

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

89. DADWA20 - Road and Footpath Opening Permit

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

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

(Reason: Maintain public asset)

90. DADWB02 - Tree Protection

The Phoenix Palms identified on the endorsed plans to be transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report to be submitted by the arborist/horticulturist undertaking the transplanting, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.

Works associated with the proposed development are likely to be within the root zone of existing trees located within the adjoining property. An AQF Level 5 Consulting Arborist shall advise if works associated with the development that will be within the root zone of existing adjoining tree/s require any tree sensitive construction measures to ensure the proposed works will not compromise the long-term retention of the tree/s.

All authorised excavation works that are likely to impact adjoining tree/s are to be undertaken by hand held equipment under supervision of the AQF Level 5 Consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental

and Planning Services Department is to be notified immediately upon such a problem being encountered.

Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

(Reason: Tree preservation)

91. DADWC01 - Obstruction of Road or Footpath

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

(Reason: Protection of infrastructure, safety & information)

92. DADWC02 - Compliance with the National Construction Code

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

(Reason: Prescribed statutory control)

93. DADWC04 - Survey Report - Minor Development (up to two stories)

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

- a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- b) At the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials.
- c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

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

(Reason: To ensure compliance with approved plans)

94. DADWC06- Air Conditioning Units - Location

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

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

95. DADWC07 - Switchboards/Service Panels

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

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

96. DADWZ01 – Works to the Heritage Item building

The works to the existing dwelling, are to be carried out in a manner that minimises penetration, removal or modification of any original fabric.

Appropriately skilled and experienced tradespeople are to be engaged to carry out the proposed works to the heritage item.

Works to the heritage item shall be limited to that documented on the endorsed plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown on the plans to be retained.

Should any portion of the existing building which is indicated on the endorsed plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notice is to be given to Council. No work is to resume in the affected area until written approval has been obtained from Council.

(Reason: Heritage conservation)

97. DADWZ02 – Inspection of Works

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

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank.
- (b) Prior to landscaping of the detention basin or pouring of the roof of the detention tank.
- (c) Prior to back fill following laying pipe,
- (d) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.
- (e) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

(Reason: To ensure compliance of civil works with Council's specification for engineering works.)

98. DADWZ03 – Surveying – Footing/Wall

A survey certificate is to be submitted to the Principal Certifying Authority at footing/or formwork stage of structure where adjacent to the site boundary(s). The certificate must indicate the location of all structures (e.g. Retaining wall, Footing) in relation to all boundaries, and must confirm the structure has constructed within the boundary lines in accordance with the endorsed plan and no structure encroachment within the adjacent properties and/or Council's land prior to any further work proceeding on the site.

(Reason: no structure encroachment within the adjacent properties and/or Council's land)

99. DADWZ04 – Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 Roads Act approval are supervised by Council. Details demonstrating compliance are to be submitted to the Principal Certifying and Council.

(Reason: To ensure compliance of civil works with Council's specification for engineering works.)

100. DADWZ05 – Heritage Conservation

An experienced conservation architect is to be engaged throughout the detailed design and construction stages of the development. The conservation architect is to be involved in the resolution of all matters where existing fabric and spaces are to be demolished, modified or restored in accordance with the approved schedule of the conservation management works. The

conservation architect is to have full authority to resolve issues relating to heritage conservation throughout the project.

(Reason: Heritage conservation management)

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

101. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

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

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

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

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

(Reason: Statutory requirement)

102. DAOCA02 - Final Clearance

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

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

103. DAOCA03 - S73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

104. DAOCA04 - Engineers Certificate

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

(Reason: Structural certification)

105. DAOCA07 – Notification of Food Business

Prior to the issue of any Occupation Certificate, the food business must notify Council of their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: Registration and notification to relevant authorities)

106. DAOCA08 - Certification of Engineering Works

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

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

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

(Reason: Asset management)

107. DAOCA10 - Provision of Street Numbers

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

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

108. DAOCA11 - Civil Works on the Footway

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

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

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

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

109. DAOCA14 - Drainage System - Maintenance of Existing

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the Principal Certifier, (a registered plumber or a person of equivalent or greater experience or qualification) prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows.

(Reason: Maintenance and environment)

110. DAOCB01 - Mechanical Ventilation - Certificate of Completion

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

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

111. DAOCB04 - Acoustic Verification Report

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

- a) All recommendations contained in the DA acoustic report prepared by Renzo Tonin dated 29/11/2018 reference TK539-01F02 (r1) have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

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

(Reason: To protect residential amenity)

112. DAOCD01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- 1) Forwarded to Cumberland Council;
- 2) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- 3) Prominently displayed in the building.

(Reason: Fire safety)

113. DAOCE02 - Evacuation Plan - Child Care Centres

Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan complying with AS3745 -2010 should be prepared and implemented. The emergency evacuation plan should consider:

- a) The mobility of children and how this is to be accommodated during an evacuation;
- b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.
- e) Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

(Reason: Safety)

114. DAOCF03 - Arborist's Report - Follow up

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

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

- e) Should the tree be identified as being in a state of decline during this process, a mature tree of the same height and similar species shall be planted on the site to the Certifier satisfaction.

(Reason: Ensure survival of trees to be retained)

115. DAOCF05 - Unpaved Verge Area

The applicant shall construct/reconstruct the unpaved verge area with grass, species and installation approved by Council prior to issue of a Final Occupation Certificate.

(Reason: Environmental protection)

116. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the "Holroyd Development Control Plan 2013", prior to issue of the Final Occupation Certificate

(Reason: Adequate stormwater management)

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

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD).

(Reason: Compliance and adequate maintenance of drainage system)

118. DAOCH03 - OSD Identification Plate

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

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

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

119. DAOCZ01 – Heritage Conservation

Prior to the issue of a final occupation certificate, the conservation architect shall provide certification that the works to the heritage item have been carried out in accordance with the detailed design drawings and specifications.

A schedule of the conservation management works including treatment of materials and finishes for future maintenance shall be prepared by a suitably qualified person and submitted to Council.

(Reason: to comply with the approved development)

120. DAOCZ02 – Median Island

Prior to issue of any Occupation Certificate, the median island, associated structures & signs and any safety measures approved by the Local Traffic Committee in accordance with the deferred commencement condition/s shall be constructed at no cost to Council. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the approved plans, Council's standard drawing and issued level sheets.

Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed median island and installation signs and line marking.

A compliance certificate for the construction of median island works within the Hilltop Road, Merrylands shall be obtained from Council and be submitted to the Principal Certifying Authority

(Reason: to comply with the approved development)

121. DAOCZ03 – Maintenance Schedule

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.)

122. DAOCZ04 – Road Works

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. These works shall be carried out by a licensed construction contractor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

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

123. DAOUA08 - Waste & Recycling Collection

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

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

(Reason: To regulate noise and garbage collection arrangements)

124. DAOUA09 - Business/Trade Commercial Waste Collection

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

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables)

125. DAOUA10 - 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)

126. DAOUA11 - Flashing Lights

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

(Reason: Environmental protection)

127. DAOUA14 - Hours of Business Operation

For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation are to be restricted to between:

- 7.00am and 6.00pm Monday to Friday

All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc. will require an amended acoustic report to be prepared and approval of a modification to this consent.

No use of the premises is permitted on Saturdays, Sundays or Public Holidays.

(Reason: Ensure business operates between approved hours)

128. DAOUA19 – Lighting Nuisance

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

(Reason: Environmental amenity)

129. DAOUA20 - Loading

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

(Reason: Adequate servicing)

130. DAOUB01 - Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

131. DAOUC04 - Air Emissions

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

(Reason: To protect human health and the environment)

132. DAOUC14 - General Noise Emission Criteria

- a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
- b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
- c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - ii. Background noise measurements must not include noise from the development but

may include noise from necessary ventilation at the affected premise.

- d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfl.

Corrections in Fact Sheet C of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity)

133. DAOUC18 - No speakers or Amplified Sound Equipment Outside

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

134. DAOUC19- Waste Management Plan

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

(Reason: To protect the environment)

135. DAOUC23 - Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the DA acoustic report prepared by Renzo Tonin dated 29/11/2018 reference TK539-01F02 (r1) relating to use and/or management of the site must be implemented and complied with.

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

136. DAOUC23 – Plan of Management

The use must always be operated and managed in accordance with the Plan of Management, prepared by LZ Pty Ltd T/A Little Zak's Academy dated May 2020 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(Reason: To protect residential amenity)

137. DAOUD02- Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

138. DAOUE03 - Parking

At least 20 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

139. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

140. DAOUZ01 – Operational Condition

- a) The number of children cared for in the new centre shall not exceed 56 at any given time.

- b) A maximum of 5 chickens are to be accommodated within the proposed chicken coop at any time. No roosters are permitted.

(Reason: to comply with the approved development)

141. DAOUZ02 – Annual Maintenance 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.)

142. DAOUZ03 – Ongoing Conservation Management

The approved schedule of the conservation management works, including treatment of materials and finishes for future maintenance, shall be implemented periodically and to be made available when requested by Council.

(Reason: ongoing maintenance of heritage item)

Advisory Notes

143. DAANN01 - Dial Before You Dig

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



144. DAANN02 - Telecommunications Act 1997 (Commonwealth)

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

145. DAANN03 - Dividing Fences

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

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to

the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence, the Community Justice Centre (CJC) can provide mediation. See the CJC website for more information - cjc.justice.nsw.gov.au

146. DAANN05 - Lapsing of Consent

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

147. DAANN08 - Process for Modification

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

148. DAANN09 - Review of Determination

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

149. DAANN10 - Right of Appeal

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

150. DAANN11 - Signage Approval

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

151. DAANN12 - Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

152. DAANN19 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

- a) Where applicable inspections of the development site may be required to be undertaken at the following stages:
- b) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- c) Prior to covering any stormwater drainage connections;
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and

e) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (d) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

153. DAANN20 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) Prior to covering any stormwater drainage connections; and
- b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)