

Minutes of the Cumberland Local Planning Panel Meeting held via Electronic Determination on Wednesday 12 May 2021.

PRESENT:

Julie Walsh (Chairperson), Tony Tuxworth, Chris Young and Bruce Simpson.

IN ATTENDANCE:

Jai Shankar, Hussein Bazzi, Bhavisha Sheth, Diep Hang, Emma Di Rita, Michael Lawani, Elma Sukurma, Bala Sudarson, Esra Calim, Olivia Shields, Darcie Huisman and Rashika Rani.

DECLARATIONS OF INTEREST:

There were no actual, potential or reasonably perceived conflicts of interest declared by any Panel Member.

With respect to item ITEM LPP015/21 - Development Application for 535 Merrylands Road, Merrylands, each Panel Member advised that that the consultant Town Planner who signed off on the Clause 4.6 objection on behalf of the applicant, David Ryan, sits on the Cumberland Local Planning Panel and each of them have attended Local Planning Meetings with him as an Expert Member.

Each Panel Member advised that they do not have any personal or professional relationship with David Ryan. In those circumstances, each Panel Member does not consider they have an actual, potential or reasonably perceived conflict of interest in the matter.

ITEM LPP015/21 - DEVELOPMENT APPLICATION FOR 535 MERRYLANDS ROAD, MERRYLANDS

PANEL DECISION

- 1. That the two (2)x Clause 4.6 variation requests to vary the Height development standard, pursuant to Clause 40(4)(a) & (c) of State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 are not considered to be well founded.**
- 2. That Development Application No. DA2020/0301 for Demolition of existing structures and removal of trees and construction of a 90-bed residential aged care facility, including at grade car parking and associated site improvements (State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004) on land at 535 Merrylands Road MERRYLANDS NSW 2160 be refused for the following reasons:**
 - a. The Clause 4.6 variation requests to vary the Height development standard, pursuant to Clause 40(4)(a) & (c) of State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 are not considered to be well founded.**

- b. The site is identified as flood prone land in Council's mapping, impacted by High Flood Risk area and flood way. The proposal is for the purposes of a residential aged care which is identified as an unsuitable land use within the medium/high flood risk area in Table 8 Land Use Categories for Development upon Flood Prone Land – Section 8 – Flood Prone Land in Part A of Holroyd DCP 2013. Having regard to the flood affectation of the site, the subject site is not suitable for the proposed residential age care facility, and does not warrant support, having regard to the particular vulnerabilities of the likely occupants of the facility.
- c. The proposal is not in the public interest.

3. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: Julie Walsh, Chris Young and Tony Tuxworth.

Against: Bruce Simpson.

Note: Bruce Simpson supported the majority decision except that he considered the Clause 4.6 objection in respect of the maximum height of the building to be well founded.

Reasons for Decision:

As outlined above.

ITEM LPP016/21 - DEVELOPMENT APPLICATION FOR 24 MEAKIN STREET, MERRYLANDS

PANEL DECISION

That Development Application No. DA2020/0769 for construction of a secondary dwelling with a double car garage and second storey contained within the roof space and rear pergola on land at 24 Meakin Street MERRYLANDS NSW 2160 be refused for the reasons listed in the draft Notice of Determination which is Attachment 1 of the Council Officer's report.

For: Julie Walsh (Chairperson), Tony Tuxworth, Chris Young and Bruce Simpson.

Against: Nil.

Reasons for Decision:

The Panel generally agrees with the Council Officer's report.

ITEM LPP017/21 - DEVELOPMENT APPLICATION FOR 2 HYLAND ROAD,
GREYSTANES

PANEL DECISION

That Development Application No. DA2021/0022 for alterations and repair works to existing milking shed (Heritage Item No. I27 and A1) for storage use and the removal of a tree on land at 2 Hyland Road GREYSTANES NSW 2145 be approved subject to the conditions in the draft Notice of Determination which is Attachment 1 of the Council Officer's report.

For: Julie Walsh (Chairperson), Tony Tuxworth, Chris Young and Bruce Simpson.

Against: Nil.

Reasons for Decision:

The Panel generally agrees with the Council Officer's report.

ITEM LPP018/21 - DEVELOPMENT APPLICATION FOR 298-302 MERRYLANDS
ROAD & 2-2A CAMBRIDGE STREET, MERRYLANDS

PANEL DECISION

- 1. That the Clause 4.6 variation request to vary the Height of Building development standard, pursuant to the Holroyd LEP 2013, be supported and is considered to be well founded**
- 2. That Development Application No. DA2020/0791 for demolition of existing structures and construction of a six storey mixed use development comprising 42 residential units and six commercial tenancies over basement car parking on land at 298 Merrylands Road Merrylands NSW 2160 be approved subject to the conditions in Annexure A to these minutes.**
- 3. Persons who have lodged a submission in respect to the application be notified of the determination of the application.**

For: Julie Walsh (Chairperson), Tony Tuxworth, Chris Young and Bruce Simpson.

Against: Nil.

Reasons for Decision:

The Panel generally agrees with the Council Officer's report. The Panel has required some of the operational conditions to be placed in the deferred commencement condition section for certainty.

Signed:



Julie Walsh
Chairperson

“Annexure A”



DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0791
Applicant:	Mr A Chalhoub 302 Merrylands Road MERRYLANDS NSW 2160
Property Description:	298 Merrylands Road MERRYLANDS NSW 2160, 302 Merrylands Road MERRYLANDS NSW 2160, 2 Cambridge Street MERRYLANDS NSW 2160, 2A Cambridge Street MERRYLANDS NSW 2160 Lot 7 Sec 2 DP 602, Lot C DP 397906, Lot A DP 397906, Lot B DP 397906
Development:	Demolition of existing structures and construction of a six (6) storey mixed use development comprising forty two (42) residential units and six (6) commercial tenancies over basement car parking.
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. **DADCA03- Boundary Fencing Flood Affected Areas**

The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In order to ensure fencing does not result in the undesirable obstruction of the free flow of floodwater, Council’s relevant Development Control Plan requires that all boundary fencing within the flood affected area(s) as identified in the submitted flood report to be constructed in accordance with Council’s standard detail SD8025. This involves pool type fencing being provided at the base of the boundary fence to the extent of the post-developed 1% AEP flood. The consent of all neighbouring owners for affected boundaries shall be provided to Council for the installation of such fencing prior to Schedule “B” conditions becoming operational.

(Reason: To ensure adjoining property owners consent to the fencing)

3. **DADCA01 - Amendments to Approved Plans**

- a) Amended plans/documents shall be submitted to and approved by Council prior to the consent being operative, addressing the following matter:
- i) The residential garbage bay, located to the rear of the loading bay on the ground level must be provided with an additional safe access for the residents away from the loading bay.
 - ii) An amended plan be provided for the ground level residential and commercial garbage area and loading bay to improve access for both residential lobbies access to the garbage bay.
 - iii) Glazing proposed to bedrooms of the units, to the northern corner of the development, must be adequately treated to prevent unreasonable privacy impacts to the occupants of the subject building.
 - iv) Secured storage area for each unit shall be provided with the following rates:
 - 1 Bedroom Units – 6m³
 - 2 bedroom units - 8m³
 - 3 Bedroom Units - 10 m³At least 50% of the required storage is to be provided within each unit and any storage provided in the basement is to be allocated to a specific unit and is to be functional and accessible.
- b) Amended plans indicating compliance with the following parking provisions must be submitted to and approved by Council prior to the consent being operative:
- i) The parking spaces shall be numbered according to the respective user groups.
 - ii) At least 23 car space for commercial use (employees).
 - iii) At least one loading bay shall be provided.
 - iv) 40 car spaces for resident, including one for car wash bay for residents.
 - v) At least 9 car spaces for residential visitors.
 - vi) Each disabled car space for commercial use/residential use shall be provided with an adjoining 2.4m wide shared zone. The following remedial rectification shall be carried out.
 - a. The commercial disabled car spaces on basement level 1 must have a shared zone adjacent to it (one disabled car space missing the shared zone).
 - b. The residential disabled car spaces on basement level 2 must have a shared zone adjacent to it (one disabled car space missing the shared zone).
 - vii) The end of the blind parking aisle for commercial parking on the basement level 1 shall include either 1m extension or have a turning bay provided by deleting one of the end car space.
 - viii) The end of the blind parking aisle for residential parking on the basement level 1 shall include either 1m extension or have a turning bay provided by deleting one of the end car space.
 - ix) For the safety reason a designated safe and pedestrian access from the car parking aisle to the access lift/staircase shall be provided to prevent conflict between the pedestrian and the internal traffic. The safe pedestrian access to the parking aisle shall be designated and line marked on site, and the layout shall be shown on the plan.
 - x) Clarify the use, allocations and accessibility of the storage areas located behind the

commercial car spaces (employee), visitor's car space, and lift/staircase on basement level1.

(Reason: To confirm and clarify the terms of Council's approval and to ensure appropriate provision of parking spaces and designated safe pedestrian access to and from the car park.)

4. DADCZ02 - Revised Flood model and study report

An updated flood and impact study shall be carried out to appreciate the current situation and impact due to the development and report detailing the risk and management measures addressing the issues and the controls, including the flood matrix table, as outlined under the section 8.6, Part "A" of Holroyd DCP 2013). The flood and risk management study report and the flood model shall be submitted to and approved by council, prior to the consent being operative, with the following provisions.

- a. The existing flood affected area shall be kept open to allow free flow of flood water, and shall not be blocked/ obstructed that results in loss of flood area, redirection of flow, or change in the characteristics of the flood, or cause impact elsewhere (increase in inundation, velocity, depth or vxd product).
- b. The flood study model and report must be consistent with the Statement of Environmental Effect report and the architectural provisions.
- c. Tabular presentation of the flood model results, flood water level, natural ground level, velocity, depth, and vxd product for the pre and post development scenario at the critical locations such as each corners of the proposed building, each corners of the subject site, in front of the each entrance to the building, at the critical locations within the adjoining neighbouring properties, shall be provided for clear understanding and comparison of the impact. The report shall include the results outlined above for 1% AEP and 5% AEP to clarify and appreciate the behaviour of the flood and its sensitivity with respect to the development.
- d. The flood levels in the post development scenario in both public road and private property must not be increased. The tolerance, level difference, must not exceed 10mm.
- e. Electronic copy of the model setup (hydrological and hydraulics models) shall also be submitted together with the report.
- f. A crest across the access driveway shall be provided to prevent the street stormwater/floodwater spilling into the basement through the driveway. The crest level shall be at least 500mm above the associated 1%AEP flood level.

Note: the submitted flood report indicates that the flood level near the access driveway entrance appear to be over 21.5mAHD. Hence, the crest across the driveway access ramp and the habitable floor levels must be at 500mm above the associated flood level ($F|21.5+0.5 = 22.0\text{mAHD}$).

(Reason: To ensure minimal flood affectation, impact, and protection from the flood.)

5. DADCZ04 - Amended Stormwater plan

The stormwater plans shall be amended to demonstrate its functionality addressing the following matters, and submitted to and approved by Council's Manager, Engineering and Traffic prior to the consent being operative:

- a. The area bypassing the OSD system must not exceed 15% of site area into consideration for OSD system.
- b. The OSD tank floor base slab must have gradient/slope of at least 1% to the control pit.
- c. In order to ensure that the flood water does not spill into the basement through the driveway ramp, a crest shall be formed across full width of the driveway such that the crest level be at least 500mm above the associated 1% AEP flood level. (Note. The submitted flood report indicates the 1%AEP flood level as 21.50mAHD, hence the crest must not be lower than RL22.00m AHD).
- d. The car spaces within the basement level 2 shall be provided with a freeboard of at least 150mm above the associated ponding water level at aboveground ponding area for the basement pump out system.
- e. The basement pump-out tank shall have a holding storage volume of at least 3.5m^3

(minimum for subsoil drainage requirements) and also capable of storing the runoff from the exposed area of the driveway for 1%AEP 90 minutes duration. Currently the exposed area is over 200m² and require proportionately larger storage provision.

- f. The exposed area of the driveway that generates runoff and that cannot be directed into the OSD system must not exceed 50m². The exposed area is noted to be over 200m² exceeding the limit. The excess area must be eliminated.
- g. The Long section profile of the pipeline from the OSD tank up to the connection into existing kerb inlet pit shall be provided with the details (sectional lengths, pipe size, gradients, invert levels, associated finished ground levels etc.).
- h. Clarify why the outlet is proposed to be connected into the pit at the corner of Merrylands Road and Cambridge Street, despite a kerb inlet being noted on Cambridge Street in the vicinity of the proposed OSD tank.
- i. Details of the existing pit at the connection point, such as the pit size invert and grate level of the pit, invert level of the proposed connecting pipe and size etc. shall be investigated and a survey plan shall be provided. The design must demonstrate that the outlet pipe had sufficient hydraulic gradient and there is no backflow into the OSD system.

(Reason: To ensure appropriate stormwater management provisions.)

6. DADCZ07 - Vehicular Access, Manoeuvring Access

An amended basement car park plan, indicating compliance with the following requirements must be submitted to and approved by Council prior to the consent being operative:

- a. All aisle width and dimensions shall comply with the relevant clause of Holroyd DCP 2013.

Driveway gradients

- b. The gradient of the driveway for the first 6m from the property boundary to the car park shall be designed to limit within the 5% gradient. Further, the ramp shall be designed to comply with the gradient in accordance with the AS2890.1-2004 with the resultant levels and gradients clearly shown on the drawings (Plan and Long-sectional profile).

Clearance width

- c. The door jamb for the roller shutter door located at the entrance to the basement level 2 ramp, shall be deleted to widen the ramp width for improved manoeuvrability and to provide enough space to allow passing of vehicles travelling in opposite direction.

(Reason: to improve manoeuvrability.)

Headroom Clearance

- d. The headroom clearance along the driveway and the basement parking including the ramp, and the aisles, parking spaces must comply with the requirements as outlined in AS2890.1-2004 and Holroyd DCP2013. The minimum clearance from floor to the lowest hanging objects or structures from the ceiling should be 2.3m but not less than 2.2m. where the clearance is less than 2.3 m a "Low level clearance warning sign with the clearance height in metre" shown must be installed before the starting point of the area.

(Reason: to indicate warning and improve manoeuvrability.)

Swept path diagram

- e. Swept path diagram demonstrating vehicular manoeuvring within the basement parking aisles without any obstruction to traffic in opposite direction, shall be prepared. The swept path diagrams shall demonstrate how the vehicle can manoeuvre and access the parking spaces at critical locations (such as at the entry and exit around the base of the access ramp, around the 90 degree turn along the aisle, access to and from the end car spaces of the blind aisles within the commercial and residential parking aisles, etc., and to and from the main entrance.

The swept path shall demonstrate the turning vehicle do not encroach into or cause obstruction to the lane for opposite traffic at the following locations.

- i. At the upstream and downstream ends of the ramp from ground floor to the basement level
- ii. At the upstream and downstream ends of the ramp from basement level 1 to the basement level 2.

(Reason: Compliance with the manoeuvring requirements.)

7. DADCZ09 - Retention of neighbouring trees

The following further investigation must be submitted to and approved by Council prior to the consent being operative:

- Investigation via Root Mapping, outside the Structural Root Zone (SRZ) of Trees 1 (Eucalyptus sp (smooth barked)), 2 (Eucalyptus sp (rough barked)), 3 (Eucalyptus sp (smooth barked)), 4 (Tristaniopsis laurina - Water Gum) and 5 (Tristaniopsis laurina - Water Gum) located within the adjoining property at 4 - 6 Cambridge Street, and to a minimum depth of 600mm is to be undertaken by hand or non-destructive methods, under direction and supervision of an AQF Level 5 Consulting Arborist.

This involves carefully hand excavating a narrow trench under supervision of an AQF Level 5 Consulting Arborist, along the closest line of cut to the trees. This will allow the location of woody tree roots greater than 30mm in diameter to be carefully exposed, with Arborist documenting the extent of roots that would require removal to accommodate the current design layout.

- The Consulting Arborist engaged to undertake the works must contact Council's Tree Management Officers 48 hours prior to the start of the Root Mapping exercise to organize an onsite meeting on the day of the works, and to discuss the extent of root pruning/root loss that may be required to accommodate the current design layout.
- Detailed results of the Root Investigation are to be included in a report prepared by an AQF Level 5 Consulting Arborist, which is to be submitted to Council for assessment and comment by Council's Tree Management Officer prior to the commencement of any works.
- Based on the findings of the Root Mapping, the following must also be addressed in the Arborist Report:
 - Comment/recommendations regarding if this closest line of cut to the trees to accommodate the proposed development will compromise the long-term retention of the tree.
 - Any additional tree sensitive construction methods/tree protection to be implemented within the proximity of the subject trees during the proposed works, and necessary remedial works to be implemented, if it is determined by the Arborist that the extent of root mass that is required to be removed will not compromise the long-term retention of the trees.
- Pending the findings/recommendations of the Root Mapping, the current stormwater/building layout may require modification so the trees can be retained.
- The Arborist Report must provide an assessment of Council's Street Tree Brush Box on Merrylands Road.

8. DADCZ10 - Acoustic Report

An acoustic assessment carried out by a suitably qualified Acoustic Consultant which demonstrates how the proposed development will comply with the NSW Environment Protection Authority's Noise Policy for Industry and other relevant standards and guidelines, must be submitted to and approved by Council prior to the consent being operative. The report must include an assessment of all potential noise sources including (but not limited to) plant, equipment and traffic noise and their impact on both surrounding sensitive receivers and residents living in the proposed development.

Note: Suitably qualified Acoustical 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 minimise adverse amenity impacts to the locality)

Schedule 'B'
General Conditions

The Schedule "B" conditions cannot operate until such time as Council is satisfied with the evidences produced in response to Schedule "A" and has notified the applicant in writing of the date from which the consent operates.

9. 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.)

10. 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
0005 Rev A	Demolition plan	IDRAFT Architects	23 November 2020
0008 Rev A	Site Plan	IDRAFT Architects	23 November 2020
1001 Rev A	Basement L2 Floor Plan	IDRAFT Architects	23 November 2020
1002 Rev A	Basement L1 Floor Plan	IDRAFT Architects	23 November 2020
1003 Rev A	Ground Floor Plan	IDRAFT Architects	23 November 2020
1004 Rev A	Level 1 Floor Plan	IDRAFT Architects	23 November 2020
1005 Rev A	Level 2 Floor Plan	IDRAFT Architects	23 November 2020
1006 Rev A	Level 3 Floor Plan	IDRAFT Architects	23 November 2020
1007 Rev A	Level 4 Floor Plan	IDRAFT Architects	23 November 2020
1008 Rev A	Level 5 Plan	IDRAFT Architects	23 November 2020
1009 Rev A	Roof Plan	IDRAFT Architects	23 November 2020
2001 Rev A	North Elevation	IDRAFT Architects	23 November 2020
2002 Rev A	West Elevation	IDRAFT Architects	23 November 2020
2003 Rev A	South Elevation	IDRAFT Architects	23 November 2020
2004 Rev A	East Elevation	IDRAFT Architects	23 November 2020
3001 Rev A	Section A	IDRAFT Architects	23 November 2020
3002 Rev A	Section B	IDRAFT Architects	23 November 2020
Landscape Plan			
17097-2 rev A DA3/3	Landscape concept Plan	vision dynamics	6 June 2017
17097-2 rev A DA2/3	Landscape concept Plan	vision dynamics	6 June 2017
17097-2 rev A DA1/3	Landscape concept Plan	vision dynamics	6 June 2017
Cert. No. 901344M_02	BASIX Certificate	Outsource Ideas P/I	25 November 2020
Demolition and Construction	Waste Management	-	11 November 2014
0002	Material and Finishes	IDRAFT Architects	23 November 2020

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

11. 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.)

12. DAGCA07 - Separate Approvals

Separate Development Approval shall be obtained for the fitout and use of the six commercial tenancies located to the ground level.

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

13. 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.)

14. DAGCB01- Australia Post Guidelines

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

15. 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.)

16. DAGCB04 - Street Numbering of Lots and Units

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

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

17. DAGCB06 - Telecommunications/ TV Antennae

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

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

18. 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.)

19. DAGCD02 - General standards for Warm Water and Cooling Water Systems

All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2012, and relevant parts of AS 3666 Air handling and water systems of buildings - Microbial control.

(Reason: To ensure compliance with health standards for infection control.)

20. DAGCD04 - Vehicle Washing

- (a) Washing of vehicles must be conducted inside a roofed and bunded designated vehicle

wash bay as indicated on the approved plans to exclude rainwater. This area is to be suitably designed and located to ensure all wastewater is appropriately discharged to the sewer, in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.

- (b) The means of disposal shall comply with:
 - i. EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)
 - ii. EPA's Managing Urban Stormwater: treatment techniques
- (c) The following requirements must be incorporated into the car wash bay design/operation:
 - i. Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
 - ii. Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
 - iii. Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.

Must not under any circumstances allow degreasing, engine washing or mechanical work to be undertaken in the vehicle wash bay, unless explicitly permitted under the trade waste agreement with Sydney Water.

(Reason: To protect the environment.)

21. 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.)

22. 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.)

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

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

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

24. DAGCZ01 - Overland flow path

The existing 1%AEP overland flow path shall not be adversely impacted. Any modification to the existing overland flow path and extent shall ensure that the flow characteristics of the overland flow-path such as the channel flow capacity, velocity, and the depth of flow within the neighbouring properties are not adversely impacted.

The proposed re-alignment of the overland flow path shall strictly comply with the levels and extend of inundation as outlined in the Flood Impact Assessment Report (reference 59914157-L01:BCP/bcp dated 13/1/2014) prepared by Cardno (NSW/Act) Pty Ltd, and any subsequent revisions, and including recommendation as outlined in the Flood Impact Assessment Report.

(Reason: to maintain existing overland flow path.)

25. DAGCZ02 - Approval for the Drawings of Connection into council pit.

Any work including drainage pipe works within the public domain and/or connection work into existing council's Kerb inlet pit must be approved by council. In this regard, detail drawings must be submitted to council' (Manager, Engineering and Traffic) for approval prior to issue of any construction certificate.

Drawing showing details of the connection into council's Stormwater pipe, in accordance with council's standard drawing SD8018 shall be prepared to the satisfaction of Council's works and infrastructure section for approval. No works relating to connection shall start until the approval has been obtained.

Council's standard assessment fee will apply. Additional fees will apply for additional assessments that are required to be undertaken by Council. The required drawings must be submitted together with a completed Approval Application form and required assessment fee.

(Reason: To ensure appropriate design and standards are maintained for the protection and maintenance of council Assets.)

Conditions which must be satisfied prior to the commencement of demolition of any building or structure**26. 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)

27. DAPDB03 - Demolition - Asbestos

Asbestos to be removed by a licensed asbestos removalist

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m² 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.

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

28. DAPDB04 - Asbestos 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.

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

29. DAPDB05 - Notification of Asbestos Removal Works

At least five (5) 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.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

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

30. DAPDB06 - Barricades for Asbestos Removal

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.)

31. 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.)

32. 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.)

33. 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.)

34. DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan

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

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

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

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection.)

35. 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

36. 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)

37. DACCI01 - S7.4 Planning Agreement

Prior to issue of any Construction Certificate, the applicant is to enter into a Planning Agreement under Section 7.7(3) of the Environmental Planning and Assessment Act 1979 with Council in accordance with the letter of offer made by the applicant dated 18 March 2021, for the:

- a) Design, construction, subdivision and dedication of the land (to Cambridge street, including a splay to the corner of Cambridge Street and Merrylands Road) indicated by red hatching on the architectural plan no. 0008 Rev A dated 23 November 2020, to council as required under the Holroyd DCP 2013.

(Reason: To ensure compliance with the terms of the Section 7.4 Agreement.)

38. DADCZ01 - Sydney Water approval

Approval in principle, from Sydney Water must be obtained for the following matters prior to issue of a Construction Certificate. The approval letter must indicate Sydney Water's approval or no objection to the following activities affecting Sydney Water asset.

- a. Excavation on and around the Sydney Water's sewer line.
- b. Proposed measure of replacing and/or relocating the existing sewer pipe as required by Sydney Water, that hangs open across the basement,

(Reason: To ensure compliance with the requirements for construction within the Sydney Water's asset.)

39. 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)

40. 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)

41. 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)

42. 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.)

43. DACCB03 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and 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.)

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

Damage Deposit	\$6,470.00
Sect. 7.11 Contributions	\$571,397 + CPI
Tree Bond	\$5,000
Landscaping Bond	\$685.00
Construction Traffic Management Plan	\$250.00
TOTAL	\$583,802 + CPI where applicable

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

(Reason: Statutory requirement and information)

45. 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.)

46. 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.)

47. 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.)

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent and outside the subject site including long-Section 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 the subject site or within the road reserve and 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.)

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

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

A separate Council approval is required and in this regard the applicant must lodge an application under Section 138 of the Road Act 1993 (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to works commencing.

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

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

50. DACCC05 - Hoardings

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

(Reason: Safety & information.)

51. 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.)

52. 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.)

53. 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: to ensure construction management, amenity and protection of public infrastructure and the environment.)

54. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council's Transportation & Traffic Section, 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 management, pedestrian safety and amenity during construction phase.)

55. DACCG01 - Available Visitor Car Parking Signage

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

(Reason: Adequate access and egress)

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

The following car parking and service vehicle requirements apply:-

- a) Minimum 72 car spaces shall be provided on the development site. This shall comprise of:
 - 39 residential spaces.
 - 1 car wash bay
 - 9 visitor's spaces.
 - 23 business/commercial/retail premises spaces.Car parking spaces for people with mobility impairment/disabilities in accordance with the relevant Australian Standards.
- (b) All car spaces shall be allocated and marked according to this requirement.
- (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and be part of the entitlement of that strata lot.
- (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (e) The parking bays shall be delineated by line marking.
- (f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents or commercial/business/retail premises located within the development.
- (g) The parking spaces within the approved development must not be sold or leased to any third-party entity. In any strata subdivision, visitor parking spaces must be retained within the common property.

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)

57. DACCG02 - Bicycle Storage Provision

Provision for bicycles shall be in accordance with the relevant Holroyd Development Control Plan 2013 for Bicycle Parking and Storage Facilities. Details shall be submitted prior to the issue of the Construction Certificate.

(Reason: To ensure that bicycle parking is provided on site in accordance with the DCP rate.)

58. DACCG07 - Maintaining Sight Lines (multi- unit development)

All solid walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 2m within the site or splayed 2.0m wide by 2.5m deep to provide satisfactory sight lines or alternatively they must be see through to allow sightlines. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: To maintain traffic sight distance and ensure pedestrian safety.)

59. DACCG08 - Ramp Width Requirements (multi-unit development)

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

60. DACCG09 - Speed Hump and Stop Sign on Exit

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

(Reason: Traffic safety and management.)

61. DACCG11 - Stop Signs

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

(Reason: Adequate access and egress.)

62. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Amenity.)

63. DACCH04 - Privacy

All of the residential private open spaces shall be provided with balustrade with translucent/obscure glass material. Details shall be included on the Construction Certificate plans submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity.)

64. DACCI03- Substation /Fire Hydrant Boosters

No approval is granted or implied for the substation including any encasing structures (i.e., blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

(Reason: Streetscape amenity.)

65. DACCI04- Site Cranes

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

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

(Reason: Safety and statutory compliance.)

66. 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 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".

(Note: 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).

The stormwater plan shall be in accordance with the stormwater plans prepared by Australian Consulting Engineers, Drawings ACE170148.SW.DA 101 to -106, revision "A" dated 30/05/2017 and address the followings:

- a. The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1% AEP storm event into the OSD system with no gutter overflows.
- b. All the rain head shall have sufficient inlet capacity to prevent overflowing.
- c. One half of the base of the HED control pit shall have a dry platform installed to allow stepping while inside the control pit for maintenance. The platform shall be at least level with the centre of the orifice to allow it to remain dry.
- d. The other half of the base of the HED control pit shall have a sump adjacent to the orifice plate for collection of the sediments and to allow trash screen to be fitted. The sump shall be benched towards the orifice plate.
- e. All roof-runoff from the building shall be directed into the OSD system
- f. The basement pump-out tank shall be incorporate a sump of at least 300mm deep to house the pumps installation, and to ensure continuation of priming of the pump to avoid cavitation.
- g. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.
- h. Galvanised step irons staggered at 300mm centres shall also be proposed at each access point to the underground storage tank/s.
- i. All access points to the belowground tank shall be a minimum of 900mm x 900mm grated lid.
- j. A confined space danger sign shall be provided at all access points to the underground OSD storage tank.
- k. The access covers over the belowground OSD tank shall be grated, hinged with child proof safety lock.
- l. Amendments in red as shown on the Council's approved plans.

The amended plan shall be submitted to the Principal Certifying Authority (PCA) for approval together with the application for the construction certificate.

(Reason: Stormwater management.)

67. 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.)

68. DACCJ05- Grated Drain across the driveway within the ramp

A grated trench drain shall be provided across the width of the driveway within the ramp. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted with the Construction Certificate.

(Reason: Environmental protection.)

69. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and Holroyd Development Control Plan and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection.)

70. DACCJ07 - Installation of Temporary Ground Anchor

Where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, a separate application form for temporary ground anchors shall be submitted with payment of the relevant fees & charges prior to the issue of a Construction Certificate. For Council to consider this option, a statement from a qualified Structural or Geotechnical Engineer must be submitted with the application demonstrating there is no other alternative method of stabilisation.

(Reason: Protection of Council assets.)

71. DACCJ08 - Control of Seepage Water

A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 L/s. A minimum of seepage rate of 0.001 L/s per sq. shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate, prior to the issue of a Construction Certificate.

(Reason: Prevention of public nuisance from discharge of seepage water.)

72. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:-

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of

excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.

- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises.)

73. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development

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

(Reason: To ensure the support for neighbouring buildings.)

74. DACCK01 - Dilapidation Report

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

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

Please note:

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

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

75. 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.)

76. 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.)

77. 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.)

78. 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.)

79. 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.)

80. 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.
- d) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

A detailed 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.)

81. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

82. DACCZ01 - Bond for removal of redundant vehicular crossing

The applicant shall lodge with Council a \$7,500.00 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.

(Reason: To ensure compliance with the requirements.)

83. DACCZ02 - Bond for footpath construction/ reconstruction

The applicant shall lodge with Council a \$10,000.00 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.

(Reason: To ensure compliance with the requirements.)

84. DACCZ03 - Bond for Kerb & Gutter construction/ reconstruction

The applicant shall lodge with Council a \$10,000.00 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering 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.

(Reason: To ensure compliance with the requirements.)

85. DACCZ04 - Bond for Registration of positive covenant and restriction/ Overland Flow path

The applicant shall lodge with Council a \$6,605.00 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the *On-site Detention system and Overland Flow path. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the land Property Information NSW.

(Reason: To ensure compliance with the requirements.)

86. DACCZ05 - Bond for of Connection work into Council's Drainage System

The applicant shall lodge with Council a \$5,000.00 cash bond or bank guarantee to cover the satisfactory completion of construction and/or re-construction of kerb inlet pit, and connection into the kerb inlet pit/ stormwater pipe and associated restoration works to the satisfaction of council. This bond will be withheld 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.

(Reason: To ensure compliance with the requirements.)

87. DACCZ06 - Architectural plan (Clearance and Manoeuvring)

The architectural plans shall demonstrate the following:

- a. The existing footpath levels shall not be lowered to cause undulation along the footpath surface.
- b. The existing surface along the front boundary line, that fall within the proposed driveway shall not be lowered. The approved levels shall be obtained by application for approval of the levels from council.
- c. A crest shall be provided across the width of the driveway within the property boundary to prevent the floodwater spilling into the basement through the driveway. The crest shall be at least 500mm higher than the associated flood level during 1%AEP flood event.
- d. The long section profile of the driveway from the street to the basement shall demonstrate the following:
 - i. The headroom clearance along the driveway ramp from the property boundary up to the basement car park shall preferably be more but no less than 2.2m.
 - ii. Wherever the headroom clearance is less than 2.3m, a "Low level clearance" warning

sign as specified in clause 4.3.4 (a) of AS2890.1-2004, shall be provided in conjunction with the appropriate warning devices such as flexible striker.

- iii. The headroom clearance from the finished floor surface to the ceiling and /or to the lowest hanging object within the basement car park shall be at least 2.2m.
- iv. The sectional gradients, transition length, etc along the access driveway and ramp shall comply with AS2890.1-2004.

(Reason: To ensure compliance with clearance, manoeuvring.)

88. DACCZ07 - Pedestrian safety measures

Various measures including signalling lights and convex mirror shall be installed at appropriate locations for warning pedestrian or oncoming traffic, to enhance the visibility for pedestrian and exiting vehicles as part of traffic and pedestrian safety measures.

(Reason: To improve pedestrian and traffic safety.)

89. DACCZ08 - Habitable floor level to be 500mm above the 1%AEP flood level

The habitable floor level shall be at least 500mm above the associated 1%AEP flood level at the respective locations of the proposed building. However, the level shall not be lower than the following:

- a. The habitable finished floor level for building shall be at least 500mm above the associated 1%AEP flood level i.e. at least RL22.0mAHD.
- b. The crest of the driveway ramp to the basement car park, shall be at least 500mm above the associated 1% AEP flood level, i.e. at least at RL22.0mAHD, to the full width of the driveway.
- c. The car parking spaces at the basement level 2 shall be at least 150mm above the associated aboveground ponding for the basement pump-out system.

All the plans, architectural, stormwater etc. shall be amended to incorporate the above requirements.

(Reason: To ensure protection of properties from floodwater.)

90. DACCZ09 - Structure to withstand impact of flood and floating debris

All the building-structures, walls, etc. up to 500mm above 1%AEP flood level shall be designed to withstand effect of the overland flow and impact of the floating debris.

(Reason: To ensure protection of properties from the overland flood.)

91. DACCZ10 - Flood Management Measures

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

- a. Demonstrate compliance with recommendation and requirements as outlined in the Flood Impact Assessment Report (reference 59914157-L01:BCP/bcp dated 13/1/2014) prepared by Cardno (NSW/Act) Pty Ltd, and any subsequent revisions and all the relevant development controls specifically Table 8 under Section 8.6 of part "A" of Holroyd DCP 2013 shall be complied with.
- b. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, floating debris and objects, and buoyancy up to and including the Flood Planning Level (1% AEP flood plus 500mm freeboard).
- c. All works up to the flood planning level shall be constructed of flood compatible materials.
- d. All the electrical equipment, power supply, wiring, power outlets shall be located above the flood planning level. All works shall generally be in accordance with Holroyd DCP 2013 Section 8 table 9 and 10.

- e. All boundary fencing within the flood-affected area shall be installed of flood compatible pool type fence, in accordance with Council standard detail SD8025.

(Reason: to ensure appropriate flood management measures are in place and protection from the flood.)

92. DACCL05- Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the acoustic report as required to satisfy condition 9.

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

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

93. External Walls and Cladding Flammability

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

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

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

94. 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.)

95. 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.)

96. 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.)

97. 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.)

98. 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.)

99. 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.)

100. DAPCB05 - Trunk Protection

To limit the potential for damage to trees to be retained, trunk protection measures must be installed in accordance with section 4.5.2 of AS 4970 - 2009 'Protection of Trees on Development Sites' for the following tree/s prior to the commencement of demolition, excavation or building works:

Species	Location
Brush Box Tree	Council naturestrip on Merrylands Road

Trunk protection shall comprise the placement of 2000mm lengths of 100mm x 50mm hardwood battens organized vertically at 150mm centres around the trunk and secured in place by metal strap bindings or ten gauge fencing wire fixed at 300mm centres. Prior to placing battens a soft protective padding must be installed to the ends of the timbers to prevent damage to the bark and conductive tissue. Under no circumstances are the battens to be secured to the tree by a method that involves the trunk being penetrated by a nail, screw, rod or the like. Trunk protection must remain in place for the duration of the works.

(Reason: Tree trunk protection.)

101. DAPCC01 - Salinity

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

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

102. DAPCC02 - Dewatering

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

- a) Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request.
- b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:
 - i. State why de-watering is necessary and confirm any required approvals;
 - ii. Clearly state that the DMP will be used as the basis for approval to enable

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

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

103. DAPCZ01 - Protection of Footpath paving, Kerb and Gutter

Protection must be provided for Council footpath paving, kerbs and gutters. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

(Reason: To ensure protection of public asset.)

104. DAPCZ02 - 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 are adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority.

(Reason: To ensure correct boundary offsets.)

105. DAPCZ03 - Connection into council Kerb Inlet pit

The connection into council's existing kerb inlet pit must comply with the following requirements.

- a. The connection into council pit must be in accordance with the Council's requirements.
- b. Drawing showing the connection details including the levels and the details of connecting pipe and the existing pit must be provided.
- c. The connecting pipe must traverse the nature strip at a shortest distance and at a minimum disruption to the public facilities such as footpath and grass verge. The connecting pipe must not be traversing at an angle less than 45 degrees to the council pipe.
- d. The connection into the pit must be made at a level as high from the invert of the pit as possible to avoid the pipe being blocked by sediments and debris that are collected at the base of the pit.

- e. The connecting pipe shall be provided with a sufficient cover depth.
- f. The details of the services that runs within the road verge (nature strip) must be identified, their position/location, level, size, depth etc. shall be investigated and plotted on the plane long- sectional drawing of the connecting pile. It should be acknowledged that the connecting 375mm dia. outlet pipe will face many obstacles and conflict with the services running along the road verge (nature strip).
- g. The designing engineer shall certify the information shown on the drawings about the services crossing or running along the outlet pipe to ensure that no unforeseen additional obstacles appears and disrupts the work while construction works begins.

(Reason: To ensure appropriate stormwater connection provisions.)

106. DAPCZ04 - Endeavour Energy Conditions

- a) With the likely increase in both vehicular and pedestrian traffic, although the existing street lighting is designed for an urban environment, the street lighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.
- b) Endeavour Energy requires the electricity network needed to service an area / development to be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a flood prone site.
- c) The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.
- d) **Dial Before You Dig**
Before commencing any underground activity the applicant is required to obtain advice from the Dial Before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.
- e) **Removal of Electricity Supply**
Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm) by Accredited Service providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:
 - The disconnection and removal of an underground service cable or overhead service line,
 - Removal of metering equipment.The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.
For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.
- f) **Asbestos**
When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the

applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- customer meter boards;
- conduits in ground;
- pad mount substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Electrical and Public Safety Section via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm.

g) Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>>

(Reason: to comply with Endeavour Energy requirements.)

Conditions which must be satisfied during any development work

107. 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.)

108. 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.)

109. 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.)

110. 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.)

111. 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.)

112. 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.)

113. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity.)

114. 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.)

115. 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.)

116. 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.)

117. 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.)

118. DADWA19 - Excavation Pump-out (surface water)

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

- (a) Identification of the suitably qualified environmental scientist who will carry out water quality testing for the activity.
- (b) Confirmation that the analytical results of any discharge will comply with relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA.

Note: Water that does not comply with the above standards must not be discharged to the stormwater system, and shall be disposed of using alternative approved means (other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility).

- (c) Details on the measures and techniques to monitor and record compliance with the above water quality criteria.

- (d) Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge.

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

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

119. DADWA22 - Dust Control - Major Works

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

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland Council.

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

120. DADWB01 - Arborist Inspections

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and ensure tree protection conditions of this consent, and recommendations of the endorsed arborist report are complied with throughout the duration of the development. This requires the arborist supervising works/attending the site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

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

(Reason: Qualified assessment of impact of works on trees to be retained.)

121. DADWB02 - Tree Protection

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines/root zone area.

(Reason: Tree preservation.)

122. 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.)

123. 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.)

124. DADWC03 - Progress Survey - Major Development (greater than two stories)

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

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

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

(Reason: To ensure compliance with approved plans.)

125. DADWC05 - Salinity

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

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

126. DADWC06- Air Conditioning Units - Location

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

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

127. 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.)

128. DADWC08 - Anti-Graffiti Coatings

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

(Reason: To minimise the opportunity for graffiti.)

129. DADWZ01 - Driveway within the Nature Strip/Road Reserve

The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

(Reason: To maintain uniformity of driveway.)

130. DADWZ02 - Inspection of Works (Stormwater Connection to Public Infrastructure)

The stormwater drainage works connecting into the Council stormwater system shall be inspected by Council during construction. 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 drainage connection.
- (b) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.
- (c) 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.

Note: A private certifier or the PCA cannot be engaged to do this inspection.

(Reason: To protect council's asset and maintain quality.)

131. DADWZ03 - Inspection of Works (OSD system)

The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a 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 pollution control devices.
- (b) After completion of storage but prior to installation of fittings (e.g. Screens etc.)
- (c) 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 work complies with the design standard and maintain quality of works.)

132. DADWZ04 - Access to premise and parking provisions

The access to the premise and parking provision shall comply with the following requirements:

a. Access to the premise

- i. An application for the vehicle crossing approval must be made to Council prior to commencement of the work.
- ii. Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.
- iii. The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
- iv. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of *6 metres and a minimum width of *5.5 metres at the boundary line, with a maximum of 0.60 metres splays for entering and exiting site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

b. Parking space

- i. All parking spaces shall be signposted, and line marked in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1 2004, AS2890.1 2002, and 2890.6 2009).

- ii. The entry/exit driveways shall be indicated with appropriate signage and line marking to avoid traffic conflict at the driveway.
- iii. Wheel stops shall be provided at appropriate parking locations in accordance with AS2890.1-2004.

(Reason: Provision of access and parking management.)

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

133. 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.)

134. 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.)

135. 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).

136. 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 reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant standards/codes.

(Reason: Structural certification)

137. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority and another set shall be submitted to council.

- 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.
- c) The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
- d) OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- e) Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
- f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the

- works have been completed and comply with the approved plans.
- g) Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and leak-proof capability etc.

The abovementioned Certificate is to certify that:

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

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

(Reason: to ensure quality of the asset, Councils record and Asset management.)

138. DAOCA09 - Boundary Fencing Flood Affected Areas

The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In this regard, all boundary fencing within the flood affected area(s) as identified in the flood report shall be constructed in accordance with Council's standard detail SD8025. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% AEP flood. The fencing shall be constructed in consultation with adjoining affected property owner(s) at full cost to the developer. In this regard, photographic evidence of the construction of the fence in accordance with this requirement shall be provided to Council for approval prior to the issue of any Occupation Certificate.

(Reason: Safety and security.)

139. 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.)

140. 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.)

141. 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.)

142. DAOCF01 - Landscape Certificate

Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Principal Certifier.

Any works that vary from the approved plan/s must be documented or shown on a Works-As-Executed Landscape Plan and attached to the certificate. A copy of the Landscape Certification is to be provided for Council's verification with the Occupation Certificate.

(Reason: Landscape certification.)

143. DAOCF03 - Arborist's Report - Follow up

As part of the on-going assessment of the trees 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 the issue of an Occupation Certificate. This report must document:

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

(Reason: Ensure survival of trees to be retained.)

144. 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.)

145. 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, Development Control Plan", prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management.)

146. DAOCH02 - Positive covenant and Restriction as to User for the maintenance of OSD system and the overland flow path

Prior to 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 constructed OSD System and the redirected overland flow path in accordance with the flood study report.

(Reason: To ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems.)

147. 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.)

148. DAOCH04 - Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the NSW Land Registry Services must be submitted to Council prior to the issue of the Occupation Certificate.

(Reason: Information.)

149. DAOCH09 - Certificate of Compliance

A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifier.

(Reason: Protection of public asset.)

150. DAOCH10 - Splay Corner

A 4m x 4m splay at the corner of Merrylands Road and Cambridge Street is to be constructed and dedicated to Council. Documents relative to the creation of the splay corner shall be lodged with the NSW Land Registry Services with registration being effected prior to the issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.

(Reason: Facilitate splay corner.)

151. DAOCH11 - Road Widening

Council requires the dedication of a strip of land 1.5m wide for road widening purposes prior to the issue of the Occupation Certificate. The construction of the widened road pavement, kerb and gutter and footpaving shall be at the full cost of the developer. This road-widening strip shall be indicated on the linen plans.

(Reason: To ensure that land required for road widening purposes is dedicated to Council.)

152. DAOCZ01 - Emergency Flood evacuation plan

Emergency Flood evacuation plan shall be prepared for evacuation to a safe refuge noting that the street around will be inundated with flood and access road will be cut off during the PMF flood event.

(Reason: ensure protection of person from flood.)

153. DAOCZ02 - 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 kerb & gutter 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 & 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.)

154. DAOCZ03 - Construction of Concrete Footpath

A concrete footpath of width as required by council shall be across the full length) adjacent to Merrylands Road and Cambridge Street frontage and side of the property. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets. All footpath areas within the road reserves that are not concrete shall be turfed with 'ST85 Buffalo' or 'Sir Walter'.

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

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

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

155. DAOCZ04 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed across the full length adjacent to the frontage and side of the property. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets.

The above works must be programmed and constructed prior to the issuing of any Occupation Certificate.

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

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

156. DAOCZ05 - Construction/Reconstruction kerb ramps

The construction or reconstruction of the kerb ramps and associated works at the corner of Merrylands Road and Cambridge Street Roadside frontage shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8101 and issued level sheets

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

157. DAOCZ07 - Maintenance Schedule for On-Site Detention (OSD) System and overland flow path

A maintenance schedule for the stormwater and On-site Stormwater Detention including a sketch plan of the components forming the sites stormwater drainage and On-Site-Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

(Reason: To alert and guide the owners of the required maintenance of the system.)

158. 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 (in accordance with Condition 9)] have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report (in accordance with Condition 9) 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.)

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

159. DAOUA06 - Trading Outside the Building

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity.)

160. 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.)

161. 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.)

162. 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.)

163. 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.)

164. DAOUC03 - Microbial Control

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- a) Public Health Act 2010 and Public Health Regulation 2012
- b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
- c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety.)

165. 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.)

166. DAOUC12 - Notification of Warm Water and Cooling Water Systems

Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with the Public Health Act 2010. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: To ensure premises are notified to Council.)

167. 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 (NPfl).
- b) Background noise monitoring for the purpose of ensuring compliance with the NPfl must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfl.
- 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.)

168. DAOUC23 - Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the DA acoustic report (as required in accordance with Condition 9) 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.)

169. DAOUC22 - Car Wash Residential

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

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

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

(Reason: To protect the environment.)

170. 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.)

171. DAOUZ01 - Future use of the facility prohibition

As the site is identified as flood-affected land, the site facility must not be used for collecting, handling, storing, or processing of any kind of waste materials.

(Reason: Protection of environment.)

172. DAOUZ02 - Annual maintenance inspection of OSD

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

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

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

173. DAOUZ03 - External Walls and Cladding Flammability

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

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

174. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

175. DAOUZ04 - S7.4 Planning Agreement

The planning agreement, as indicated in condition 32, must be executed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the terms of the Section 7.4 Agreement.)

Advisory Notes

176. 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.



177. 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>.

178. 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

179. DAANN04 - Footway Lease - Business Use of Footpath

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the Roads Act, 1993 prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the use of footpath, and renewed annually.

180. 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.

181. DAANN07 - Owner Builders

Under the Home Building Act 1989, any property owner who intends undertaking construction

work to a dwelling or dual occupancy over the value of \$10,000 (inclusive of GST) must obtain an owner-builder permit from the NSW Fair Trading. See www.fairtrading.nsw.gov.au.

182. 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.

183. 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.

184. 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.

185. 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'.

186. 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.

187. DAANN13 - Work Health and Safety

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

188. DAANN16 - Compliance with Disability Discrimination Act

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

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

189. DAANN17 - Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as

required by the Principal Certifier and any Service Agreement, the Environmental Planning and Assessment Act 1979 (Act) and the Regulations.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any Service Agreement.

Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement.)

190. DAANN18 - Inspections for Building Work (Classes 1 or 10)

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

- a) After the excavation for, and prior to the placement of, any footings;
- b) Prior to pouring any in-situ reinforced concrete building element;
- c) Prior to covering of the framework for any floor, wall, roof or other building element;
- d) Prior to the covering waterproofing in any wet areas;
- e) Prior to covering any stormwater drainage connections;
- f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- g) 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 (g), 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 (g) 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.)

191. 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.)

192. 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.)