

Development Consent Conditions



Folder /DA No:	DA/250/2024/A
Property:	8-14 McCauley Street, MATRAVILLE NSW 2036
Proposal:	Section 4.55(2) Modification to the approved development for the addition of 3 prime mover parking spaces (without trailers).
Recommendation:	Approval

Modification Summary

Application Number (PAN#)	Determination Date	Modification Description
PAN-494880	13 March 2025	Amend Conditions 1, 4, and 65 to reflect the updated number of vehicles permitted on the site at any one time.

GENERAL CONDITIONS

Condition

1. Approved plans and documentation

Development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
A03, Rev. F – Truck Parking Plan	5S Projects Consulting Engineers Pty Ltd	18/03/2024	07/06/2024
A04, Rev. F – Car Parking Details	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A05, Rev. F – Wire Chain Fence	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A06, Rev. F – Acoustic Fence and Gate	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A07, Rev. F – Amenities Building Layout	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A08, Rev. F – Igloo Dome Structure	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
Works As Executed Layout Plan	5S Projects Consulting Engineers Pty Ltd	18/04/2024	01/05/2024

In the event of any inconsistency between the approved plans and supplementary documentation, the approved drawings will prevail.

EXCEPT where amended by:

Condition

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- the following Section 4.55 plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 plans and detailed in the Section 4.55 application:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
A03, Rev. C – Truck Parking Plan	Price & Speed	30/01/2025	30/01/2025

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(Condition amended – 13 March 2025 – DA/250/2024/A – PAN-494880)

2. **Works Without Consent**

The works that have already been constructed on site (as shown on the Works As Executed Layout Plan dated 18 April 2024) do not form part of this consent. This consent grants approval for the use of the as-built structures only and does not include approval for the works carried out prior to the issue of the development consent.

Condition Reason: To clarify that the consent only relates to the use of the unauthorised works.

3. **Vehicle Movements**

Trucks shall only enter and exit the premises via Raymond Avenue. No trucks are permitted to access the site via McCauley Street.

All truck movements into the site must be conducted by turning right from Raymond Avenue. All truck movements out of the site must be conducted by turning left onto Raymond Avenue.

Trucks accessing and exiting the site are not permitted to travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

4. **Approved Site Plan**

As indicated on the approved site plan, the site shall accommodate a maximum of 8 x prime movers (with trailers), 3 x prime movers (without trailers), and 10 x cars (for employees) at any one time.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(Condition amended – 13 March 2025 – DA/250/2024/A – PAN-494880)

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

5. **Consent Requirements**

The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated

documentation.

Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.

6. **External Colours, Materials & Finishes**

The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Any metal roof sheeting is to be pre-painted to limit the level of reflection and glare.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.

7. **Security Deposits**

The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17(6) of the *Environmental Planning and Assessment Act 1979*:

- \$5,000.00 - Damage / Civil Works Security Deposit

Security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

8. **Sydney Water**

All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

Condition

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

Condition Reason: To ensure the development satisfies Sydney Water requirements.

9. **Building Code of Australia**

In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 69 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).

Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.

Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

10. **Design Alignment Levels**

The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways or the like, shall be:

- **100mm above the top of the kerb at all points opposite the kerb, along the Raymond Avenue site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate (a construction note on the plans is considered satisfactory). The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6888.

Condition Reason: To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

11. **Design Alignment Levels**

The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$900** calculated at

Condition

\$60.00 (as of 1st July 2023) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements, to Council standard, and to ensure payment of fees to Council.

12. **Carspace Design**

The gradient of the internal carspace must be designed and constructed to not exceed a grade of 1 in 20 (5%) and the levels of the carspace must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.

Condition Reason: To ensure all carspaces are designed and constructed in accordance with the relevant requirements.

13. **Stormwater Drainage**

Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the Principal Certifier. A copy of the plans shall be forwarded to Council, if Council is not the Principal Certifier.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

Condition Reason: To control and manage stormwater run-off.

14. **Stormwater Drainage**

Stormwater runoff from the (redeveloped portion) site shall be discharged either:

- (a) To the kerb and gutter along the McCauley Street site frontage by gravity (preferably without the use of a charged system); OR
- (b) To Council's underground drainage system in McCauley Street; OR
- (c) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.

Infiltration areas must be located a minimum of 3.0 metres from any structure (note: this set back requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from any adjacent side or rear boundary.

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration will not be appropriate.

NOTE: Should the ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the McCauley Street frontage of the property.

Condition

Should a charged system be required to drain any portion of the site, the charged system must be designed such that;

- (a) There are suitable clear-outs/inspection points at pipe bends and junctions.
- (b) The maximum depth of the charged line does not exceed 1m below the gutter outlet.

Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.

Condition Reason: To control and manage stormwater run-off.

15. **Footings adjacent to drainage easements**

All proposed footings located adjacent to the proposed/existing drainage easement shall either be:

- (a) Founded on rock, or;
- (b) Extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

Condition Reason: To control and manage stormwater run-off.

16. **Landscape Plan**

A formal Landscape Plan prepared by a qualified professional in the Landscape industry (must be eligible for membership with AILDM, AILA or equivalent) must be submitted to, and be approved by, the Principal Certifier, **prior to CC/commencement of site works** detailing the following:

- (a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity/density, location, dimensions at maturity and any other details required to describe the works.
- (b) A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival.
- (c) A high-quality selection and arrangement of decorative species throughout the western side setback, rear of Igloo Dome to assist with presentation of the development to the streetscape.
- (d) Dedicated garden areas around the perimeter of the northwestern aspect of the workshop, along the fence line, measuring from existing mature tree to the proposed new driveway on Raymond Ave, to which, evergreen

Condition

screen planting and decorative lower growing species shall be provided so as to soften the appearance of dividing/boundary fences as well as improve screening and amenity between this site and the adjacent warehouses.

- (e) 1 x 25 litre (pot size at the time of planting) feature tree within the southwestern side setback of the site, adjacent the Pro Works mechanical workshop, measuring centrally between the existing mature tree, boundary fences and within the southwestern aspect of the Igloo Dome, selecting species which will attain a minimum height of between 4-7 metres at maturity, with tree planting to be in deep soil and be sited at least 2.5m from any part of the dwelling;
- (f) 2 x 25 litre (pot size at the time of planting) native evergreen canopy trees within the northwestern aspect of the workshop, plotted along the fence line, measuring 7 metres east of existing mature tree then second tree to be plotted 7 metres further east towards the proposed new driveway on Raymond Ave, selecting species which will attain a minimum height of 4-6 metres at maturity with all tree planting to be in deep soil and be sited at least 2.5m from any part of the dwelling;
- (g) A dedicated deep soil garden bed, measuring a minimum width of 1 metre must be provided across the width of the rear western boundary, measuring 1 metre from either side of the mature tree, to which a continuous evergreen screening hedge shall be planted, using stock with a minimum pot size at the time of planting of 200mm, and selecting a species which will attain a minimum height of between 3-4 metres at maturity, to assist with future screening, privacy and amenity between this development site and adjoining western Ave footpath, and warehouses, plantings will also be planted along the southern edge boundary, close to the neighbouring Pro Works mechanical workshop.

Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.

17. Tree Management

To ensure retention of mature *Eucalyptus robusta* (Swamp Mahogany) within the far western corner of the subject site, 10 metres high, protected under the DCP, the following measures are to be undertaken:

- (a) All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of its trunk canopy SRZ, TPZ to be clearly and accurately shown on all plans in relation to the proposed works.
- (b) Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, the Tree Protection/Management Plan/Recommendations/Specification any other instructions issued on-site.
- (c) All Construction Certificate plans must show that the rear western concrete slab, which was poured prior to DA, must finish a minimum distance of 9 metres away, as shown on (5S Projects Consulting Engineers, Dwg Works as Executed Layout, REV 4), measured off the outside edge of its trunk at ground level, to the edge of slab.

Condition

- (d) Where there is a difference in level between this site and an adjoining property, and the soil level where the trees are growing is higher than the subject site, if the soil profile is to be exposed for any period of time, temporary shoring must be provided along the common boundary so as to prevent failure of the soil and trees, with a suitable system to be approved by the PCA, prior to installation.
- (e) Prior to the commencement of any site works, the trunk of this tree is to be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- (f) This tree must be physically protected with the installation of 1.8-metre-high steel mesh/chainwire fencing panels, which shall be secured to the boundary fence to its west, measuring 3 metres from the trunk to completely enclose the tree for the duration of works.
- (g) This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: **"TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER"**.
- (h) If additional trunk or branch protection is required, this can be provided by wrapping layers of geo-textile, underfelt, carpet, hessian or similar around affected areas, to which, lengths of evenly spaced hardwood timbers shall then be placed around their circumference and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- (i) To prevent soil/sediment being washed over the/ir root system/s, erosion control measures must be provided at ground level around the perimeter of the TPZ.
- (j) Where major roots with a diameter of 50mm or more are encountered and Council's officer determines they must be retained, a cantilevered, pier and beam style footing must be used for these areas.
- (k) The Construction Certificate plans must acknowledge that the site inspection may result in the need to alter the design away from a traditional strip footing, with a suitably qualified engineer to have an alternative design approved by the Principal Certifier, prior to installing the footings.
- (l) Where roots with a diameter of less than 50mm are found which are in direct conflict with the approved works, and permission is given for their pruning, they may be cut cleanly using hand-held tools only, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- (m) Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- (n) Ground levels within the TPZ s must not be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which is to remain as undisturbed, deep soil.

Condition

- (o) Ground protection comprising strapped together rumble boards, sheets of plywood or similar shall be provided on top of the mulched area of 100mm deep and must remain in place for the duration of works, until such time as the approved landscaping is being installed.
- (p) The applicant is not authorised to perform any other works to this tree and must contact Council's Landscape Development Officer on 9093-6633 should clearance pruning or similar be necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, GIVING UP TO SIX WEEKS NOTICE, with payment to be received prior to pruning or any Occupation Certificate.
- (q) Within the TPZ's there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- (r) The Principal Certifier/and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.

18. Acid Sulphate Soil Investigation

A preliminary acid sulphate soil investigation is to be undertaken to confirm that the land is not affected by acid sulphate soils. The report is to be submitted to Council prior to the issue of the construction certificate.

Should the assessment determine that the land is affected by acid sulphate soils, an Acid Sulphate Soils Management Plan is to be prepared for the development prior to the commencement of excavation to outline necessary management and mitigation measures to the satisfaction of the certifying authority.

Condition Reason: To ensure the management of acid sulphate soils.

19. Acoustic Recommendations

All design acoustic recommendations detailed in the Acoustic Report prepared by Koikas Acoustics P/L (Project No. 6129, dated 26/04/2024) including proposed acoustic walls/fencing shall be incorporated into construction certificate plans. Details of compliance shall be provided by the acoustic consultant to the certifying authority prior to the issuing of a construction certificate.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

20. Traffic conditions

The vehicular access driveways and carpark areas, (including, but not limited to, the ramp grades and carpark layout) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

Condition Reason: To ensure all driveways and carpark areas are designed and constructed in accordance with the relevant requirements.

21. Waste Management Plan (WMP)

A Waste Management Plan detailing the waste and recycling storage and removal strategy for the development, is required to be submitted to and approved by Council's Lead Specialist Strategic Waste.

Condition

The Waste Management Plan (WMP) is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Developments and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's website at;

https://www.randwick.nsw.gov.au/_data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf

Condition Reason: To ensure that waste and recycling is appropriately managed.

22. **Public Utilities**

A Public Utility Impact Assessment must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

Condition Reason: To ensure that necessary arrangements are made for public utility services.

23. **Undergrounding of Site Power**

Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Raymond Avenue. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

Condition Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

BEFORE BUILDING WORK COMMENCES

Condition

24. **Building Certification & Associated Requirements**

The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:

- a) a *Construction Certificate* must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the *Environmental Planning*

Condition

and Assessment Act 1979 and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a Registered (Building) Certifier must be appointed as the *Principal Certifier* for the development to carry out the necessary building inspections and to issue an occupation certificate; and
- c) a principal contractor must be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the Principal Certifier and Council must be notified accordingly (in writing); and
- d) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and
- e) at least two days notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.

Condition reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.

25. Dilapidation Reports

A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which may be affected by the works, to the satisfaction of the *Principal Certifier* for the development.

The dilapidation report must be submitted to the Principal Certifier, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

26. Construction Noise & Vibration Management Plan

Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.

A *Construction Noise & Vibration Management Plan* must be developed and implemented throughout demolition and construction work.

- (a) The *Construction Noise & Vibration Management Plan* must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority *Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline* (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.

Condition

- (b) Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and mitigation strategies.
- (c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- (d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Principal Certifier and Council.

A copy of the Construction Noise & Vibration Management Plan and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to the Principal Certifier and Council prior to commencement of any site works.

- (e) Noise and vibration levels must be monitored during the site work and be reviewed by the acoustic/vibration consultant periodically, to ensure that the relevant strategies and requirements are being satisfied and details are to be provided to the Principal Certifier and Council accordingly.

Condition Reason: To protect the amenity of the neighbourhood during construction.

27. **Construction Site Management Plan**

A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective site fencing and hoardings
- location of site storage areas, sheds, plant & equipment
- location of building materials and stock-piles
- tree protective measures
- dust control measures
- details of sediment and erosion control measures
- site access location and construction
- methods of disposal of demolition materials
- location and size of waste containers/bulk bins
- provisions for temporary stormwater drainage
- construction noise and vibration management
- construction traffic management details
- provisions for temporary sanitary facilities
- measures to be implemented to ensure public health and safety.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.

A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

28. **Construction Site Management Plan**

A *Sediment and Erosion Control Plan* must be developed and implemented throughout the course of demolition and construction work in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom. A copy of the plan must be maintained on site and a copy is to be provided to the Principal Certifier and Council.

Condition Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

29. **Public Liability**

The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

Condition Reason: To ensure the community is protected from the cost of any claim for damages arising from works or activities on public land.

30. **Street Tree Management**

The applicant must submit a payment of \$230 to cover the following costs:

- (a) A loss of amenity fee in recognition that the only reason this established native tree is being removed from public property is to accommodate the development of the property, with a replacements in front of this site, within either side of the new driveway, is not possible due to line of site issues which may cause vehicles leaving the site from oncoming traffic, with the presence of other trees along the verge, would see as sufficient in an area of busy traffic, with this fee to be used towards additional public plantings in the surrounding area. (NO GST)

This fee must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre prior to a Construction Certificate being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9093-6633 (quoting the receipt number) to arrange for planting of replacement street trees elsewhere in the LGA.

After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6687.

Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.

31. **Construction Traffic Management**

A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works

Condition

- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, Roads & Maritime Services, State Transit Authority and Council must be complied with at all times

Condition Reason: To ensure a Construction Site Traffic Management Plan is prepared.

32. Civil Works

A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

Condition Reason: To ensure approval is obtained in relation to all works which are located externally from the site.

DURING BUILDING WORK

Condition

33. Site Signage

It is a condition of the development consent that a sign must be erected in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:

Condition

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name, address, contractor, licence number and telephone number of the principal contractor, including a telephone number on which the principal contractor may be contacted outside working hours, or owner-builder permit details (as applicable) and
- c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

34. Restriction on Working Hours

Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavations in rock, sawing of rock, use of jack-hammers, driven-type piling/shoring or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 3.00pm (maximum) • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Condition reason: To protect the amenity of the surrounding area.

35. Noise & Vibration

Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with the

Condition

Construction Noise & Vibration Management Plan, prepared for the development and as specified in the conditions of consent.

Condition Reason: To protect the amenity of the neighbourhood during construction.

36. **Construction Site Management**

Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:

- (a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.
- (b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- (c) All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.
- (d) Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.
- (e) Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.
- (f) Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *A separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Condition Reason: To require measures that will protect the public, and the surrounding environment, during site works and construction.

37. **Public Safety & Site Management**

Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c) Sediment and erosion control measures must be provided to the site and be

Condition

maintained in a good and operational condition throughout construction.

- d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
- h) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- i) Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

38. Excavations and Support of Adjoining Land

In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 74 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

39. Building Encroachments

There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Condition Reason: To ensure no encroachment onto public land and to protect Council land.

40. Survey Report

A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:

- prior to construction (pouring of concrete) of footings for the building and boundary retaining structures,
- prior to construction (pouring of concrete) of new floor levels,

Condition

- prior to issuing an Occupation Certificate, and
- as otherwise may be required by the Principal Certifier.

The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.

Condition Reason: To ensure compliance with approved plans.

41. **Road/Asset Opening Permit**

A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.

42. **Traffic Management**

Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.

All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Condition Reason: To ensure adequate provisions are made to ensure pedestrian safety and traffic flow.

43. **Stormwater Drainage**

Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

44. **Street Tree Management**

Approval is granted for the removal of the immature Tuckeroo tree within the northern Raymond Ave council verge, plotted east of the existing driveway, in direct conflict with works, can be removed during works, an amenity fee has been added, and with this fee to be used towards additional public plantings in the surrounding

Condition

area.

Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

45. Occupation Certificate Requirements

An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Condition reason: Statutory requirement. To ensure the site is authorised for occupation.

46. Post-construction Dilapidation Report

A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Principal Certifier, prior to the issue of an Occupation Certificate.

The dilapidation report shall detail whether:

- (a) after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and
- (b) where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent.

The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Principal Certifier and to Council (where Council is not the principal certifier). A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.

Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.

47. Sydney Water Certification

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required, will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The Section 73 Certificate must be submitted to the Principal Certifier and the

Council **prior to the issuing of an Occupation Certificate.**

Condition Reason: To ensure the development satisfies Sydney Water requirements.

48. **Waste Management**

Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

Condition Reason: To ensure that waste and recycling is appropriately managed.

49. **Waste Management**

Any liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department (i.e. via a grease trap) and details of compliance are to be submitted to the Certifier prior to the commencement of any works.

Condition Reason: To ensure that waste and recycling is appropriately managed.

50. **Street and/or Sub-Address Numbering**

Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.

Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.

51. **Council's Infrastructure, Vehicular Crossings, street verge**

The applicant must meet the full cost for a Council approved contractor to:

- (a) Construct a splayed 14.7m wide concrete vehicular crossing and layback at kerb opposite the Raymond Avenue vehicular entrance to the site to Council's specifications and requirements.
- (b) Remove the redundant concrete vehicular crossing and layback in McCauley Street and reinstate the area with 1.3m wide concrete footpath,

Condition

turf and integral kerb and gutter to Council's specifications and requirements.

The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:

- (a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
- (b) Works on Council land must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
- (c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.

52. Stormwater Drainage

Should an infiltration area or pump-out system be provided, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):

- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- Details of infiltration/absorption systems; and
- Details of pumping systems installed (including wet well volumes).

Should a infiltration area or pump-out system be provided, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite infiltration/pump-out system is maintained and that no works which could affect the design function of the infiltration/pump-out system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not

Condition

be released, varied or modified without the consent of the Council.

Notes:

- (a) The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- (b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
- (c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

53. Carparking

The proposed carpark shall be finished in a manner fit for its intended use. The car spaces shall be formalised with line-marking and numbering/labelling with such works completed prior to the issuing of an occupation certificate.

Condition Reason: To ensure that the carpark is fit for its intended use.

54. Stormwater Drainage

A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- (a) The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- (b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
- (c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.

A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):

- Finished site contours at 0.2metre intervals;
- The location of any detention basins/tanks with finished surface/invert levels;
- Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
- Volume of storage available in any detention areas;

Condition

- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Principal Certifier.

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

55. Undergrounding of Power

The Principal Certifier shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Raymond Avenue. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

Condition Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

56. Operational Noise Management Plan

An Operational Noise Management Plan shall be developed and implemented for the operations of the business, which outlines how the operations of the business will address the following;

- Ensure compliance with the relevant conditions of approval,
- Include all operational noise recommendations in the Acoustic Report prepared by Koikas Acoustics P/L (Project No. 6129, dated 26/04/2024).
- Ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
- Minimise the potential environmental and amenity impacts upon nearby residents,
- Clearly state how the on-site operations will be effectively managed to comply with conditions of consent,
- Effectively manage and respond to resident complaints,
- Encourage and educate external carrier vehicles on quiet noise practices e.g., implementation of broadband-type (squawker) reversing alarms on vehicles, no idling on site when waiting to enter/exit the premises and one way driving routes where possible to reduce the need for the use of reversing alarms.

The operational noise management plan shall be reviewed/approved by the acoustic consultant for the application and include any recommended acoustic measures required, prior to the issue of the occupational certificate. A copy of the plan shall be forwarded to Council once approved and be complied with at all times.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

57. Staff Noise Awareness Programme

A staff noise awareness programme is to be developed by the acoustic consultant

Condition

and implemented which aims to minimise noise emissions from general operations. The programme should be included as part of plan of management and address noise emissions from the following;

- Care during the truck movements on the site, including site signage requirements.
- Care during the truck servicing/repairs
- Immediate reporting and repair of any machinery defects which may cause excess noise generation.
- Clear instruction to truck operators of required vehicle movement paths.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

58. **Acoustic Report**

An acoustic report/compliance statement shall be prepared by a suitably qualified and experienced consultant in acoustics, must be provided to Council prior to **the occupation certificate being issued for the development**, which demonstrates and confirms that all acoustic design requirements have been satisfied.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

59. **Landscaping Certification**

Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the submitted Landscape Plans.

Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

That part of the nature-strip upon Council's footway which is damaged during the course of the works shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.

Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.

OCCUPATION AND ONGOING USE

Condition

60. **Operational Hours**

The base operational hours of the premises are as follows:

- 7:00am and 10:00pm, Monday to Sunday (inclusive).
- Truck repairs and servicing between 7:00am and 6:00pm only.
- At all other times, no operation or use is permitted.

Condition Reason: To ensure that the approved use is operated within the approved hours of operation, to ensure safety and security and protect the amenity of surrounding areas.

61. **Extended Operational Hours – Reviewable Condition**

Notwithstanding Condition 60 above, the extended operational hours of the premises are as follows:

Condition

- 24-hours, Monday to Sunday (inclusive).
- Truck repairs and servicing between 7:00am and 6:00pm only.

The extended operational hours will be reviewed by Council in six months and at the end of twelve months from the date of this consent. Appropriate supporting evidence (including but not limited to, relevant acoustic validation measurement/report as per Condition 62 below) must be provided at the end of these review periods to demonstrate compliance with all conditions of this consent as part of the review.

Should the application fail to validate 24-hour operations as complying with required noise level criteria, the hours of operation shall revert to the base hours (as per Condition 60 above).

Condition Reason: To ensure that the approved use is operated within the approved hours of operation, to ensure safety and security and protect the amenity of surrounding areas.

62. Acoustic Validation Reports

Acoustic validation reports, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to Council **within 6 and at 12 months after commencement of use**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997*, Industrial Noise Policy and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report/s and recommendations). The assessment and report should include all relevant fixed and operational noise sources.

The report should include but not be limited to:

- All relevant fixed and operational noise sources operating simultaneously e.g., traffic noise off and onsite, mechanical plant and equipment, truck repairs/servicing, forklift movements etc
- Vehicle noise including truck noise using the premises during the approved 24-hour operation,
- Noise from vehicles trucks using the proposed development during the day/evening nighttime period including assessment of reversing alarms,
- Noise validation with required noise criteria shall be provided for the proposed development and all operations over the 24-hour period,
- Assessment of compliance must be based on nearest sensitive receivers.
- Shall include, but not be limited to assessment of sleep disturbance during the nighttime period.
- The acoustic report shall include assessment of any noise complaints received by Council or the operator during the 12-month trial period.

Any recommended measures for acoustic improvement must be implemented and form part of this consent.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

63. Noise Levels

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the

Condition

background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Condition Reason: To protect the acoustic amenity of neighbouring properties.

64. **Public Nuisance**

The use and operation of the premises shall not give rise to an environmental health or public nuisance.

There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

Condition Reason: To protect the amenity of neighbouring properties.

65. **Operational Conditions**

Notwithstanding the description in the application to the use of the premises inter alia as a truck depot, the premises are to operate as truck parking with ancillary servicing and activities. The use and operation of the premises shall accord with the following:

- (a) The operator(s) shall ensure that no on-street queuing or parking of vehicles occurs outside the premises.
- (b) A maximum of 8 prime movers (with trailers), 3 prime movers (without trailers), and 10 cars are to be accommodated on the site at any one time in accordance with the endorsed plans.
- (c) All trucks must turn off engines when vehicles are stationary, other than required for servicing. All trucks must turn off stationary external motors such as refrigeration units if attached to the vehicle.
- (d) Approved traffic routes shall be complied with at all times.
- (e) There is to be no air brake or compression brake testing for trucks on the site.
- (f) The site shall be provided with clear signage outlining site vehicle movement requirements to minimise noise in accordance with acoustic requirements and operational management plans.
- (g) All truck repairs/ servicing shall be undertaken in proposed work areas.
- (h) The premises shall not be used as a container depot.
- (i) All work/repair areas shall be graded and drained to sewer in accordance with Sydney Water requirements. If required Sydney Water licence shall be obtained prior to commencement of operational work on the site.
- (j) All repair areas or storage areas for chemicals shall be stored and provided with bunding in accordance with NSW EPA and Safe work requirements.
- (k) Emergency spill kits for pollution incidents shall be kept on the site adjacent to work areas. Staff shall be instructed in their location and

Condition

use.

Condition Reason: To ensure that the premises is operated within the approved consent, to ensure safety and security and protect the amenity of surrounding areas.

(Condition amended – 13 March 2025 – DA/250/2024/A – PAN-494880)

66. **Vehicle Movements**

Trucks shall only enter and exit the premises via Raymond Avenue. No trucks are permitted to access the site via McCauley Street.

All truck movements into the site must be conducted by turning right from Raymond Avenue. All truck movements out of the site must be conducted by turning left onto Raymond Avenue.

Trucks accessing and exiting the site are not permitted to travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

67. **Incident Reporting**

The operator(s) must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the management. The appropriate remedial action, where possible, is to be implemented immediately and the operator(s) is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the management must make available the incident book to the Council officers.

Condition Reason: To protect the acoustic amenity of neighbouring properties.