



CUMBERLAND
CITY COUNCIL

DARef: DA2020/0488

29 September 2020

Concise Planning
PO Box 603
ENGADINE NSW 2233

Dear Sir/ Madam,

Application No. DA2020/0488
Property: 30 Loftus Road YENNORA NSW 2161,
Legal Description: Lot 8 DP 1233715

Council is pleased to advise that the above Development Application has been approved subject to conditions (attached).

You are reminded that no work can commence until a Construction Certificate has been issued.

In order to obtain a Construction Certificate your attention is drawn to the need to comply with the conditions of Development Consent that accompany this letter. Stamped Construction Certificate plans can only be obtained once all conditions are complied with.

Please Note: Any breaches of your development consent conditions may result in enforcement action being commenced by Council. This can include fines and/or legal proceedings. Please ensure conditions are fully complied with at all times.

Any further enquiries should be directed to Asadujjaman Md on 8757 9000 between 8.30am and 4.30pm, Monday to Friday.

Yours faithfully,

Jai Shankar
ACTING EXECUTIVE MANAGER DEVELOPMENT AND BUILDING

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160
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ABN 22 798 563 329

Welcome *Belong Succeed*

DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*
(Section 4.18(1))

Development Application No: DA2020/0488

Applicant: Concise Planning
PO Box 603
ENGADINE NSW 2233

Property Description: 30 Loftus Road YENNORA NSW 2161,
Lot 8 DP 1233715

Development: Fire Services Upgrade including installation of a building occupant warning system, new fire sprinkler system and new fire hydrant system

Determination

Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

Determination Date: 29 September 2020

Date from which Consent Operates: 29 September 2020

Date Consent Lapses: 29 September 2025

By: Council Staff

Right of Appeal

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the land and environment court within 12 months of the date of this notice.

NOTE: This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.



Jai Shankar

ACTING EXECUTIVE MANAGER DEVELOPMENT AND BUILDING

Date: 29 September 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

CONDITIONS OF APPROVAL

General Conditions

1. DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
Issue C, LTS-1.01(c)	Site Plan	Plan Project Management	3 August 2020
Issue B, LTS-1.02(B)	Floor Plan	Plan Project Management	3 August 2020
Final - PR200026	Statement of Environmental Effects	Concise planning	17 August 2020
-	BCA Capability Statement	Concise Certification	3 August 2020
-	Certificate of Compliance for Fire Services	RG Fire Consultancy	5 August 2020
Issue C, drawing F01	Sprinkler System Layout	Plan Project Management	4 August 2020
Issue C, drawing F02	Sprinkler System Detail	Certificate of Compliance for Fire Services	2 August 2020
Issue A	Sprinkler System Specification	RG Fire Consultancy	1 June 2020
H01/P2 to H04/P2	Hydraulic Services Plan	RealServe	4 August 2020

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

3. DAGCA05 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

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

4. DAPDB07 - Site Safety Fencing

The site (affected parts by the proposed works) must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access. The fencing must be erected before the commencement of any work and shall be maintained.

(Reason: Public safety)

5. DAPDB12 - Sediment and Erosion Control measures

Prior to the commencement of any works, adequate 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.

(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

6. 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)

7. 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)

8. 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)

9. 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)

10. DACCD02 - Fire Safety Upgrade Details

Plans and specifications shall be submitted to the Principal Certifier for compliance assessment **prior to the issue of a Construction Certificate** detailing the fire safety upgrade works compliance with the relevant parts of the National Construction Code and relevant Australian Standards.

(Reason: To ensure that the upgrade works complies with the NCC)

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

11. 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)

12. 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)

13. 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)

Conditions which must be satisfied during any development work

14. 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)

15. 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)

16. 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)

17. 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)

18. 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)

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

19. 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)

20. DAOCD01 - Fire Safety Certificate

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

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

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

(Reason: Fire safety)

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

21. 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)

Advisory Notes

22. 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.



23. 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.

24. 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.

25. 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.

26. 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.

27. 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)

These conditions are imposed for the following reasons:

- a) To ensure compliance with the terms of the relevant Environmental Planning Instruments.
- b) To ensure that no injury is caused to the amenity of the area.
- c) Council considers that the circumstances of the case are such that it is in the public interest that they be imposed.