

## CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA 531/2011, submitted by Merhis Constructions P/L, in accordance with the drawings and reports set out in the following table, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawings Prepared by Tony Owen Partners			
Drawing No.	Drawing Name	Revision	Date
DA100	Site Plan	E	10-06-11
DA108	Basement Level 2	F	19-08-11
DA109	Basement Level 1	G	26-08-11
DA110	Ground Floor Plan	J	17-10-11
DA111	Level 1 Plan	G	02-09-11
DA112	Level 2 Plan	H	17-10-11
DA113 to DA118	Level 3-8 Plan	G	02-09-11
DA119	Roof Plan	E	10-06-11
DA120 to DA123	Elevations	F	11/10/11
DA130 to DA132	Sections	F	19-08-11
DA300	External Finishes Board	E	10-06-11
Landscape Drawings Prepared by Site Landscapes			
Drawing No.	Drawing Name	Revision	Date
Sheet 1 & 2	Landscape Works	C	19-08-11
Engineering Drawings (Storm Water and Civil Works), Prepared by Cardno ITC Pty Ltd			
Drawing No.	Drawing Name	Revision	Date
N10854-DA-H01 to H03 & H05	Stormwater Services Layout	4	09-09-11
N10854-DA-H04	Sediment and Erosion Control Plan	4	09-09-11

- 3) No approval is granted or implied for the use of the retail and office component of the building. Separate Development Consent for the use of the retail/office floor space is required prior to occupation.
- 4) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

*Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:*

- 5) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 6) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared generally in accordance with the concept landscape plan Sheets 1 & 2, dated 19 August 2011, prepared by Site Landscapes and the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant and shall include the following details:
  - Both Rickard Rd and Chapel Rd frontages to be to BCC Standard Detail S-021 CBD Type 1 Concrete Unit Pavers for extent of the development frontage.
  - Street trees to be planted to BCC Standard Detail S-02.
  - Street tree species to be *Pyrus calleryana* 'Bradford' planted at 200litre pot size.
  - Any proposed landscaping and/or fencing shall not restrict sight distance to pedestrians and cyclists travelling along the footpaths of Chapel Road.
- 7) The landscape plan shall include the provision for the construction/replacement of boundary fencing. A new 1.8m fence is to be erected along the side and rear boundaries of the subject allotment, where required, at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of masonry unless the type of material is stipulated in any flood study prepared for the site. The detail of the fence is to be determined in consultation with the adjoining property owners.
- 8) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown DCP 2005 – Part D7 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate.

- 9) A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with Council's relevant DCP. The plan shall be prepared by a suitably qualified professional and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate.
- 10) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A Notice of Requirements must be issued prior to the release of the Construction Certificate.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate/occupation of the development.

- 11) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Part 2 of SEPP No. 65.
- 12) A minimum of two (2) of the residential units and associated parking spaces shall be designed to comply with the provisions of AS4299 – Adaptable Housing and AS1428.1 – Design for Access and Mobility with such details being incorporated in the Construction Certificate drawings.
- 13) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 14) Documentary evidence from the relevant public authorities (e.g. Sydney Water, Telstra etc) shall be submitted to the PCA to confirm that all of their requirements have been satisfied, prior to issue of the Construction Certificate for the relevant stage.
- 15) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.

- 16) Prior to issue of a Construction Certificate, a Long Service Levy payment being 0.35% of the value of the work, is required to be paid to Council on behalf of the Long Service Levy Corporation.
- 17) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$134,706.86 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

**Note:** The Section 94 Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 18) Finished surface levels of all internal works at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. These levels must be consistent with the footway design levels issued by Council.
- 19) A Work Permit shall be obtained from Council for the following engineering works in front of the site, at the applicant's expense:
  - a) A heavy duty VFC at the property boundary to Chapel Road servicing the basement and loading dock.
  - b) Drainage connection to Council's kerb and gutter and the existing stormwater pit in Chapel Road.
  - c) Full width concrete footway paving along the sites entire frontage to Chapel Road and Rickard Road to Council's specification.
  - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - e) Repair of any damage to the public road including the footway occurring during development works.
  - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 20) Where Council approved cut or fill exceeds 150mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a concrete or masonry retaining wall shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater and shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 21) An all weather pavement designed to withstand the anticipated wheel loads shall be provided to all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the commencement of construction.
- 22) The proposed development is on land adjacent to a busy road. The residential units shall be erected to comply with Australian Standard 3671 "Acoustics-Road Traffic Noise Intrusion, Building Siting and Construction" and Australian Standard 2107 "Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors." Evidence of compliance with such standards shall be submitted with the Construction Certificate Application with a report prepared by a suitably qualified acoustic Consultant. The Construction Certificate plans shall include all of the attenuation measures recommended in the Acoustics Report. The development shall be constructed to include all of the recommended attenuation measures and the acoustic consultant shall certify that all recommendations have been incorporated into the development prior to the issue of the Occupation Certificate.
- 23) The ventilation shaft and plenum proposed in Block A including the acoustic treatment of the plenum shall be designed and constructed generally in accordance with the Natural Vent DA Report No. 222082, dated 21 July 2011, prepared by ARUP. The development shall be constructed to include all of the recommended measures and the consultant shall certify that all recommendations have been incorporated into the development prior to the issue of the Occupation Certificate
- 24) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

**A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN**

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;

- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Traffic Authority's requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RTA Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to DCP 29 for a list of Regional and State Roads.

- 25) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

**A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS**

**WORKS REQUIRING A 'WORKS PERMIT'**

- a) Dig up, disturb, or clear the surface of a public footway or public road,

- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Work Permit.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath i.e. Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Councils Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.bankstowncity.nsw.gov.au](http://www.bankstowncity.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

26) The subject site is affected by local overland flooding and shall comply with the following:

- a) The minimum floor level of the proposed structure(s) shall be constructed to RL 26.98m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- b) Boundary fencing across the overland flowpath from the upstream lot shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100 year A.R.I. storm. A minimum 100mm gap shall be provided to any new boundary fencing along the northern boundary adjacent to the BBQ area.

All approved construction details shall be consistent with this requirement.

- c) An unobstructed overland flowpath (floodway) for excess stormwater runoff from Council's drainage system and upstream catchment shall be maintained along the northern boundary adjacent to the BBQ area. The flowpath and piped drainage system shall be designed to carry stormwater runoff from the 1:100 year A.R.I. design storms for the catchment concerned. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. The final detailed plan shall be in accordance with drawing number N10854-H03 Revision 04 dated 9 September 2011 prepared by Cardno ITC. All approved construction details shall be consistent with this requirement. A copy of the approved details shall be submitted to Council for information.



- 27) Stormwater runoff from within the property shall be collected and controlled by means of an on site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the south west corner of the site and from there to the existing pit in Chapel Road. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan N10854-DA-H01, N10854-DA-H02, N10854-H03, N10854-DA-H04 and N10854-DA-H05 Revision 04 prepared by Cardno ITC. The final plan shall include the following:

- a) All downpipes are to be configured to the rainwater tank as per the BASIX requirements.
- b) All internal surface flows are to discharge directly to the on-site detention tank.
- c) The rainwater tank shall overflow to the on-site detention tank and include a reflux valve to prevent backflow from the on-site detention storage to the rainwater tank.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian

- 28) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 20% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 20 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 29) The approval and conditions are to be obtained from the relevant Public Utility Authority if existing public utility services requires adjustments or are to be relocated clear of the proposed vehicular crossings and proposed drainage work's within Council's footway. Documentary evidence of the Authority's approval shall be submitted to Principal Certifying Authority (PCA) with the application for the Construction Certificate and all conditions imposed by the Authority shall be strictly complied with. All costs associated with the relocation of services shall be at the developer's expense.

- 30) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 31) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 32) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 33) The driveway and loading area accessed by garbage/recycling collection vehicles must be reinforced to withhold the 25 tonne weight of the garbage/recycling collection vehicles.
- 34) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 35) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage. The blind aisle space shall be extended a minimum of 1m beyond the last parking spaces.
- 36) Disable car parking spaces shall conform to Australian Standards AS2890.6:2009.
- 37) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, the maximum size of the delivery trucks accessing the loading dock shall be limited to 8.8 metres. All delivery vehicles must enter and leave the site in a forward direction.
- 38) The existing concrete medial in Chapel Road outside the development shall be extended to a point north of the proposed driveway to the satisfaction of Council's Traffic Engineer in order to restrict access to the development from Chapel Road to left-in and left-out only.

- 39) Consideration is to be given to the surface treatment up to two (2) metres from ground level, of all vertical walls and surfaces with high visibility from adjacent roads. These surfaces are considered vulnerable to graffiti vandalism and should be minimised in bulk or screened by vegetation where possible.
- 40) The removal of underground petroleum storage tanks shall be undertaken in accordance with:
- DECCW 'Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems (UPSS)) Regulations 2008.'
  - NSW WorkCover Authority requirements.
- 41) On completion of removal of the underground petroleum storage system, the site shall be investigated for contamination and a Validation Report prepared for the storage site in accordance with the requirements of clause 15 of the 'Protection of the Environment Operations (Underground Petroleum Storage System (UPSS)) Regulation 2008'.

The Validation Report must be prepared by a suitably qualified environmental consultant and in accordance with the requirements of DECCW 'Guidelines for Consultants Reporting on Contaminated Sites 2000.'

This Validation Report is to be submitted to Council prior to the issue of a Construction Certificate.

Note: The Validation must be submitted to Council within 60 days of:

- Decommissioning of a underground petroleum storage system, if no soil or groundwater remediation (associated with the decommissioning of the UPSS) is required;
  - Completion of any soil or groundwater remediation associated with the decommissioning of a UPSS, if remediation is required.
- 42) Any new information which comes to light during construction/remediation works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Works are to cease until the new information is evaluated and an appropriate response determined by the applicant which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information.

Note: The NSW Environment Protection Authority (EPA) is part of the NSW Office of Environment and Heritage (OEH).

- 43) The proposed development may be constructed up to a height of 59 metres AHD.
- 44) A separate application must be made to Bankstown Airport Limited (BAL), for any cranes or other temporary structures used in construction of the building, and they will need to be obstacle marked and lit if they penetrate the OSL.

- 45) On completion, the finished building height must be provided to BAL (in AHD), so that it can update its plans and other records for Bankstown Airport and its surrounds.

#### **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION AND CONSTRUCTION WORKS COMMENCING**

- 46) The erection of a building / subdivision works in accordance with this development consent must not be commenced until:
- a. Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and
  - b. The person having benefit of the Development Consent has appointed a 'principal certifying authority' (PCA), and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and
  - c. The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.
- 47) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 48) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 49) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 50) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 51) The application must be submitted to the appropriate Sydney Water Officer to determine whether the development will affect Sydney Water infrastructure (i.e. Sewer mains, easements, etc). If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- 52) Prior to the commencement of any building work a fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high.

All fencing is to be maintained for the duration of the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

Where the development site is located within 3m of a public place then a Class A or Class B hoarding shall be constructed appropriate to the works proposed. A Works Permit for such hoardings shall be submitted to Council for approval prior to the issue of any Construction Certificate.

- 53) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 54) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition is being carried out:
- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted during and outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

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

**Note:** This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building, or in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

- 55) A dilapidation report prepared by a suitably qualified person shall be submitted to the certifying authority prior to the commencement of demolition works detailing the current condition and status of all buildings, including ancillary structures located upon all of the premises adjoining the subject site.

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 56) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 57) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.

- 58) Prior to the floor slabs being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished floor level and siting to the property boundary conforms with the approved plans.
- 59) If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 60) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 61) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 62) If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) if necessary, must underpin and support the building in an approved manner, and
  - b) must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - c) must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 63) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). All stormwater pits shall be concrete benched at the base to prevent ponding of water and all pipe connections to pits shall be cut flush with the internal pit wall and siliconed/grouted to prevent seepage around the pipe.
- 64) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.

- 65) A new 1.8m fence shall be erected along the side and rear boundaries of the subject allotment, where required, at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of masonry unless the type of material is stipulated in any flood study prepared for the site. The detail of the fence is to be determined in consultation with the adjoining property owners.
- 66) There shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 67) The intercom for the security gate on the ingress driveway is to be installed at a location that allows a minimum of three (3) vehicles to queue between the intercom and the property boundary.
- 68) All traffic control during construction must be carried out by accredited RTA approved traffic controllers.
- 69) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by this consent as required by the various public utility authorities and/or their agents.
- 70) All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.
- 71) The proposed development must have CCTV (Closed Circuit Television) installed. Cameras need to monitor and record the entry and exit points of premises. This particularly important within the retail section. The CCTV system should have the ability to retain recorded footage for a minimum of two weeks.
- 72) The lighting shall meet the minimum Australia and New Zealand Lighting Standards. Lighting objectives relevant to crime and fear reduction as outlined in Australian lighting standards AS 1158 for public streets, car parks and pedestrian areas shall be met.
- 73) Signage shall be placed at the entry/exit points alerting to the presence of the installed CCTV system.
- 74) Access to the residential units must be restricted to occupants only. A security swipe card or key system should be installed. This is particularly important at the access points to residential areas from retail areas. Access to the residential units for guests of the occupants can be achieved via a video intercom system.
- 75) Once contract are in place for the retail stores, correspondence relating to the type and operation of these retail stores must be provided to police for review and comments.

## CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 76) The use of a building in accordance with this Development Consent must not be commenced until Council or the PCA has issued an Occupation Certificate for the building and site works.
- 77) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 78) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 79) Carparking for the development shall be provided as a minimum in the following manner in accordance with the submitted plans.
- ❑ 9 spaces for retail units
  - ❑ 15 spaces for office units
  - ❑ 70 spaces for residential units @ 1 space for each unit
  - ❑ 14 spaces for residential visitors

A minimum of three (3) spaces (being 1 space for commercial and 2 spaces for the residential units) of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. A management plan shall be created to address the stacked spaces. Stacked parking spaces shall be assigned to one shop/commercial unit to avoid locking cars in spaces.

- 80) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 81) Lighting must be provided to the external entry path, common lobby, driveways and carpark, shopfront and underside of the awning in accordance with the requirements of DCP 2 - Business Centres.
- 82) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 83) Prior to the issue of any Occupation Certificate design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the



Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65.

- 84) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 85) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 86) The developer shall enter into an agreement with Bankstown Council to indemnify and keep indemnified Council from all actions, claims, costs, losses, expenses and damages (including the costs of defending or settling any action or claim) arising from Council or its contractors servicing the development for garbage and recycling.
- 87) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

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