

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement conditions must be complied with to the satisfaction of Council within 2 years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. Documentary evidence of Bankstown Airport Limited's approval of the proposed development is to be submitted to Council.
2. A Detailed Site Contamination Investigation must be undertaken by a suitably qualified and experienced environmental consultant. The investigation and reporting must be undertaken in accordance with relevant guidelines including, but not limited to, the EPA "Guidelines for Consultants Reporting on Contaminated Sites 2011" and "Sampling Design Guidelines 1995".

Following the detailed site investigation, a report outlining the results of the assessment must be submitted to the satisfaction of Council. This report must also consider and provide an indication of remedial action required to ensure that the site will be suitable for the proposed residential and commercial use.

Note: This Detailed Site Contamination Investigation will form part of the review of the Remedial Action Plan which is to be undertaken by a NSW EPA accredited site auditor.

3. Following the completion of the Detailed Site Contamination Investigation, a Remedial Action Plan (RAP) must be prepared by a suitably qualified and experienced environmental consultant. The RAP must be prepared in accordance with relevant guidelines including, but not limited to, the EPA "Guidelines for Consultants Reporting on Contaminated Sites 2011". The RAP must set the remediation objectives and determine the most appropriate remedial strategy to ensure that the site will be suitable for the proposed residential and commercial land use. The RAP must be submitted to the satisfaction of Council and must also be reviewed by a NSW EPA accredited site auditor to determine the appropriateness of the RAP.

The accredited site auditor shall prepare an Interim Site Audit Advice or a Section B Site Audit Statement and submit the document to Council. The Site Audit Advice or Site Audit Statement shall indicate that the RAP is appropriate for the purpose of remediating the site to ensure that it is suitable for residential and commercial use. If the RAP cannot be determined as appropriate, then the accredited site auditor shall provide further requirements or conditions. The applicant must adhere to any additional requirements or conditions imposed by the accredited site auditor.

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 79(C) of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (does not apply to Integrated Development proposals) or appeal to the Land and Environment Court pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Section 82A must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Section 125 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

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-420/2012, submitted by Omada Property Group Pty Ltd, accompanied by the following plans prepared by Beta Solutions Architects and Site Design Studios:

- Drawing No. 1007 Revision B dated 7 November 2012;
- Drawing No. 1009 and 1010 Revision B dated 26 November 2012;
- Drawing No. 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1050 Revision B dated 6 November 2012;
- Drawing No. 1040 and 1041 Revision C dated 6 November 2012;
- Landscape Plan No. LP01 Revision E dated 28 March 2013; and
- Landscape Plan No. LP02, LP03 and LP04 Revision D dated 28 November 2012.

All affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) A minimum 20 metre setback is to be provided from the outer face of the enclosing wall of all dwellings within the development to the Hume Highway property boundary.
- 3) Remedial works shall be undertaken in accordance with the Remedial Action Plan (RAP) referred to Deferred Commencement Condition 3, as accepted by Bankstown City Council and deemed appropriate by a NSW EPA accredited site auditor. Any variations to the accepted remedial strategy must be notified in writing to Council and be approved by the accredited site auditor to the satisfaction of Council.
- 4) All site remediation works shall comply with the work health and safety requirements of the NSW WorkCover Authority.
- 5) After completion of remediation works, a Validation Report must be prepared by a suitably qualified and experienced environmental consultant. The report must be prepared in accordance with relevant guidelines including, but not limited to, the EPA "Guidelines for Consultants Reporting on Contaminated Sites 2011". This report must outline that the required remediation work has been completed and the site is suitable for the proposed residential and commercial use. This report must be submitted to the satisfaction of Council prior to the issue of a construction certificate.

The Validation Report must be reviewed by a NSW EPA accredited site auditor and a copy of the Section A site audit statement provided to Council. The site audit statement must certify that the site is suitable for the proposed residential and commercial use. The site audit statement shall be submitted to the satisfaction of Council prior to the issue of a construction certificate.

- 6) The recommendations of the Acoustic Report by Wood & Grieve Engineers dated 5 April 2012 are to be fully implemented.
- 7) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to the owners of properties directly adjoining the subject site. The report must clearly identify the condition of existing structures on these adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer.

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:

- 8) 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.
- 9) The subject allotments shall be consolidated in accordance with the approved plan. The plan for consolidation is to be registered with NSW Land and Property Information (LPI) prior to the release of the Construction Certificate.
- 10) The Construction Certificate plans shall ensure that the following LAeq levels are not exceeded:
 - In any bedroom in the development – 35dB(A) at any time between 10pm and 7am; and
 - Anywhere else in the residential parts of the development (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

A report from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority (PCA) confirming that this condition is complied with.

- 11) Landscaping shall be installed in accordance with the approved landscape plan.
- 12) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

13) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified below.

- Remove the following 'exempt' trees: Tree 1 & 73;
- Retain the following neighbour's tree: Tree 1A;
- Retain the following street trees in George Street: Tree 2, 3 & 4;
- Remove the following trees due to poor and average health & condition (and having low environmental significance): Trees 6, 7, 8, 9, 11, 12, 12A, 13, 14, 15, 16, 16A, 18, 19, 20, 21A, 22, 33, 34, 35, 37, 38, 39, 42, 54, 55, 60, 65, 66, 67, 68, 69 & 71;
- Removal of the following trees which are within the proposed driveways, the new retail/ residential building (Hume Highway frontage) and the residential complex (George Street frontage): Trees 5, 10, 17, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 36, 43, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 61, 62, 63, 64, 70 & 72;
- Retain Tree 40 with maintenance low branch and deadwood removal.
- Retain the following trees on site: Tree 44 & 45;
- Tree removal and pruning work shall be carried out by an experienced tree surgeon in accordance with NSW WorkCover Code of Practice for Amenity Tree Industry (1998) and Pruning of amenity trees – AS 4373 -2007;
- Install the following Tree Protection Measures around Trees: 1A, 2, 3, 4, 44 & 45: Tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by steel stakes or concrete blocks as required and fastened together and supported to prevent sideways movement. Existing boundary fences or walls are to be retained shall constitute part of the tree protection fence where appropriate. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree preservation zone;
- An AQF Level 5 Project Arborist shall be engaged to supervise the building works and certify compliance with all Tree Protection Measures. General tree protection measures can be found on Annexure B; & to be on site during tree removal and all construction works including demolition.

Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

- No fill, excavated material, building material or other items are to be placed around retained trees.
- No excavation is to take place around the root zone or canopy of retained trees.
- All preservation zones are to be mulched to a depth of no less than 70 – 100mm using a suitable organic mulch or sand around the trees to be retained, ie. around the root zone or canopy of trees.
- Fencing around retained trees is to be in place prior to commencement of site works and is to be kept in place during all construction, until final inspection is undertaken.

- Fences should be signposted to warn contractors of their purpose.
- Treatment and pruning of trees may only be undertaken by qualified arborists after approval of Council.
- Any tree removal carried out on Saturdays is permitted only between the hours of 7am and 1pm inclusive, Sunday removals **not** permitted.
- Construction to begin only when the above procedures are in place.

Failure to comply with the above conditions will result in an on the spot fine.

- 14) 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.
- 15) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

Or telephone 13 20 92.

- 16) 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.
- 17) Prior to issue of a Construction Certificate, a Long Service Levy payment of 0.35% of the value of the work is required to be paid to Council on behalf of the Long Service Corporation prior to issue of the Construction Certificate.
- 18) 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 \$465,700.00 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 94A 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.

- 19) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 20) 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 Council's Existing Drainage System. All private drainage structures including OSD and Water Quality Treatment structures shall be designed and constructed clear of any existing or future Council Road Reserve. 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 plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.
- 21) 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.
- 22) 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.
- 23) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, 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. Retaining walls exceeding 600mm in height 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.

- 24) An all weather pavement shall be designed to withstand the anticipated wheel loads for 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 issue of a construction certificate.

- 25) 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 construction 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 Maritime Services 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.
- k) Proposed construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

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 RMS 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 Council's Development Engineering Standards for a list of Regional and State Roads.

- 26) A Work Permit shall be applied for and obtained from Council for the following engineering works, in front of, and within the site, at the applicant's expense:
- a) An Extra Heavy Duty VFC of maximum width of 6 metres at the property boundary of George Street. An Extra Heavy Duty VFC of maximum width of 6 metres at the property boundary of Kearns Lane. A separate approval shall be sought from the RMS for An Extra Heavy Duty VFC of maximum width of 6 metres at the property boundary of Hume Highway.
 - b) The relocation and reconstruction of the Council stormwater pipeline draining Kearns Lane. The developer shall consult with Council on the final pipeline location and shall consider it to be within the Kearns Lane extension and to Council's satisfaction.
 - c) All private drainage connections to the Council's drainage system.
 - d) Remove and Reconstruct a 1.2 metre wide concrete footway paving along the sites entire frontage to George Street (subject to an inspection with Council to determine the condition of the existing footpath prior to the occupation of the site.
 - e) Full width Council's Type 1 footway paving along the sites entire frontage to The Hume Highway. Council Standard Type 1 paving style and colour must be determined in consultation with Council's Landscape Architect prior to the laying of the paving.
 - f) Extension of Kearns Lane to Council's satisfaction. The developer shall extend the road surface to be a minimum of 8 Meters beyond the driveway serving the basement for the residential units fronting the Hume Highway. The road surface shall match the configuration of the existing laneway road surface and shall be constructed to Council's satisfaction.
 - g) The Road Reserve for Kearns Lane shall be dedicated to Council, as Public Road, to the eastern boundary of the development.
 - h) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - i) Repair of any damage to the public road including the footway occurring during development works.
 - j) 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.

- 27) 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.
- l) The work is greater than \$50,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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 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 ie 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.bankstown.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.

- 28) The basements of the development are located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council or the relevant Road Authority for any temporary or permanent anchoring works under Council's Public Road.
- 29) 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.
- 30) The layout of the car parking areas associated with the 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 – 2002 for service areas.

- 31) 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. A swept path plan shall be submitted to Council for approval illustrating compliance with this requirement, prior to the release of the Construction Certificate.
- 32) The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS

This report will need to address the following key issues:

- The impact of excavation/rock anchors on the stability of the Hume Highway and detailing how the carriageway would be monitored for settlement.
- The impact of the excavation on the structural stability of the Hume Highway.
- Any other issues that may need to be addressed.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least 7 days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 33) 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.
- 34) 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.
- 35) 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.

- 36) 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.
- 37) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 38) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

- 39) 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 3.6m 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.

- 40) 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.
- 41) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with part 6 of that Act, such a contract of insurance must be in force before any building work authorised to be carried out by this consent commences.
- 42) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates (not being council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that act,
- b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above requirements becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the council) has given the council written notice of the updated information.

This clause does not apply 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.

- 43) 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.

- 44) The design and construction of the vehicular crossing and kerb and gutter works on the Hume Highway shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS Project Services Manager, Traffic Projects Section, Parramatta, telephone 8849 2496.

Detailed design plans of the proposed driveway are to be submitted to RMS for approval prior to the commencement of any road works. It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RMS.

- 45) Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 46) Permission is granted for the demolition of XXX currently existing on the property, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Bankstown City Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Bankstown City Council:
 - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.

- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 47) 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.
- 48) 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.
- 49) Prior to each floor slab 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.
- 50) 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.
- 51) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

- 52) 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.
- 53) 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.

- 54) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 55) 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).
- 56) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 57) Any new information which comes to light during demolition and/or construction works which has the potential to alter previous conclusions about site contamination, such as the discovery of unexpected underground fuel tanks, 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.

- 58) Any fill imported on to the site shall be classified/validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- 59) Any traffic control during construction must be carried out by accredited RMS approved traffic controllers.
- 60) A Road Occupancy License should be obtained from RMS for any works that may impact on traffic flows on the Hume Highway during construction activities.
- 61) The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 62) All road works/regulatory signposting associated with the proposed development shall be at no cost to RMS.
- 63) Any drainage works on downstream properties is to be carried out in accordance with the following:
 - a) The owners of downstream property shall be given at least seven (7) days notice in writing of intention to commence work within their property, together with particulars of the proposed work.
 - b) Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
 - (i) Preserve and protect such building from damage; and
 - (ii) If necessary underpin and support such buildings.
 - c) Restoration of any drainage works, in downstream properties, shall be to the satisfaction of the owners of these properties.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 64) 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.
- 65) 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.
- 66) 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.

- 67) 290 off street car spaces being provided in accordance with the submitted plans. This shall comprise:

- 232 residential spaces
- 38 visitor spaces
- 20 business / commercial spaces

Car parking spaces for people with mobility impairment are to be provided in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

- 68) 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.
- 69) 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.
- 70) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 71) 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.
- 72) The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.
- 73) 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 drainage and 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 drainage and detention system.

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.

- 74) 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.

- 75) The developer must create easements in accordance with the Development Engineering Standards for the relocated Council pipeline where required to be within private property, prior to the issue of any occupation certificate for the development. All redundant easements shall be extinguished prior to the issue of the Occupation Certificate or occupation of the site. All costs are to be borne by the developer.
- 76) The developer shall dedicate the extension of Kearns Lane to the public as Road Reserve, prior to the issue of any occupation certificate for the development.

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