

DRAFT CONDITIONS (DA-926/2012)

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

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

1. Sampling Analysis & Quality Plan

A Sampling Analysis & Quality Plan (SAQP) must be prepared by a suitably qualified and experienced environmental consultant. This SAQP shall address all outstanding issues as stipulated by the NSW EPA accredited site auditor, Rod Harwood, in the following documents;

- (a) "Non Statutory Audit Letter of Interim Advice 2, 81-83 & 105 Wattle Street, Punchbowl, Review of Updated Environmental Site Assessment and Remedial Action Plan" by Rod Harwood, Environmental Strategies, 17 February 2011 (Reference 10076 81-83 m&105 Wattle Street Punchbowl), and
- (b) "Statutory Audit Letter of Interim Advice 3, 81-83 & 105 Wattle Street, Punchbowl, response to clause 24, DA 926/2012" by Rod Harwood, Environmental Strategies, 26 February 2013 (Reference:10076a_IA3 – Response to Clause 24).
- (c) "Site Audit Statement No. 154A" by Rod Harwood, 5 July 2011.
- (d) "Site Audit Report SAN 154A, 81-83 & 105 Wattle Street, Punchbowl" by Rod Harwood, July 2011 (Reference 10076 SAR_v2 FINAL).

The SAQP must be submitted to Council and to the satisfaction of a NSW EPA accredited site auditor. The accredited site auditor shall review the SAQP and provide approval of the SAQP to Council in the form of a site audit interim advice or similar document. If the SAQP is not determined as appropriate by the accredited site auditor, then the auditor shall stipulate further requirements or conditions. The applicant must adhere to any additional requirements or conditions imposed by the accredited site auditor.

2. Additional Investigations

On completion of demolition, the additional site investigations as required by the NSW accredited site auditor, shall be undertaken in accordance with the Sampling Analysis & Quality Plan (SAQP) which has been approved by a NSW EPA accredited site auditor (as referred to in condition 1 above).

The results from the additional site investigations shall be submitted by the applicant to the satisfaction of a NSW EPA accredited site auditor. The

accredited site auditor shall review the results and provide feedback and advice to the applicant and Council in the form of a site audit interim advice or similar document. The applicant must adhere to any additional requirements or conditions imposed by the accredited site auditor.

3. Amended Remedial Action Plan (RAP)

The Remedial Action Plan (RAP) "Remediation Action Plan, 81-83 & 105 Wattle Street, Mount Lewis" by Environmental Investigations, 4 February 2011 (Report No. E1317.1 AB) shall be amended and updated to address the findings of the additional site investigations undertaken. The Amended Remedial Action Plan (RAP) must be submitted to the satisfaction of Council and a NSW EPA accredited site auditor. The accredited site auditor shall review the Amended RAP and provide approval of the plan to Council in the form of a site audit interim advice or similar document. If the Amended RAP is not determined as appropriate by the accredited site auditor, then the auditor shall stipulate 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-926/2012, submitted by Statewide Planning Pty Ltd, accompanied by Drawing No. A18465-DA Sheets 1 to 30, Revision D, dated 15 March 2013 and 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) The front fence located within 3m of the primary frontage shall be of open style with the bottom solid section not exceeding 1m in height and the remaining 800mm of open style.
 - b) The north facing first floor windows to Villas 24 & 37, being that adjacent to the stairs and off the bedroom, shall have a minimum sill height of 1.5 metres.
 - c) The north facing window shown on the ground floor plan of villa 37 marked '1500H Sill Height' shall be deleted.
- 3) The site shall be remediated in accordance with the Amended Remedial Action Plan (RAP) which has been approved by a NSW EPA accredited site auditor (as referred to in Deferred Commencement Condition 3).
 - 4) On completion of remediation works, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant. This report shall comply with the requirements of relevant NSW EPA guidelines including, but not limited to, the EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2011.' This Validation Report must outline that the required remediation work has been completed and that the site is suitable for the proposed land use. This report is to be submitted by the applicant to the satisfaction of Council.

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 Validation Report must be reviewed by a NSW EPA Accredited Site Auditor and a copy of the subsequent Site Audit Statement provide to Council. The Site Audit Statement must indicate that the site has been appropriately remediated and that the site is suitable for the preposed land use. This site audit statement must be submitted by the accredited site auditor to the satisfaction of Council prior to the commencement of construction and prior to the issue of a Construction Certificate.
- 6) Site Audit Conditions number 1 to 5 listed in "Site Audit Statement No. 154A" by Rod Harwood, 5 July 2011" shall be addressed to the satisfaction of a NSW EPA accredited site auditor. Acknowledgement that the site audit conditions have been met shall be provided to Council by the accredited site auditor in the form of a site audit interim advice or similar document. This acknowledgement must be submitted by the accredited site auditor to the satisfaction of Council, prior to the issue of a Construction Certificate.
- 7) 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.
- 8) 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 in accordance with 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.

In addition to the above, the landscape plan shall address the following:

- include replacement planting of endemic native trees and shrubs/undercover.
 - incorporate boundary landscaping into the design at the front area of the property to provide a clear boundary for the property limiting the potential excuse making persons on the property for illegitimate needs.
 - allow for clear sightlines allowing residents and guests good visibility from their villa.
 - development of a maintenance plan to ensure vegetation and landscaping is well maintained and does not obscure sightlines/restrict surveillance.
- 9) 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 of open style with the bottom solid section not exceeding 1m in height.

- 10) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Prior to removal, the trees will be required to be inspected for fauna and bird species which are nesting in any cavities of trees on site. 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.
- 11) 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.
- 12) 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.

- 13) 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.
- 14) Prior to issue of a Construction Certificate, a Long Service Levy payment of 0.35% of the value of the work being, is required to be paid to Council on behalf of the Long Service Corporation prior to issue of the Construction Certificate.
- 15) 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 \$207,113.20 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.

- 16) The developer shall engage a suitably qualified Civil Engineer to prepare full working drawings for the construction of Earthworks and Road and Drainage works suitable for the final subdivision of the development . Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the design plans. The levels at the street boundary of Wattle Street and at the street boundary of Waterloo Road must be consistent with the Street Boundary Alignment Levels approved, by Council, under any necessary separate Work Permit (Section 138 of the Roads Act and Section 68 of the Local Government Act).

The design shall be prepared in accordance with Council's Development Engineering Standards and the relevant Australian Standards for the construction of the proposed roads and kerb and gutter adjacent to the proposed allotments. The Engineer shall certify the design is in accordance with the above requirements prior to the issue of a Construction Certificate by the PCA. The Final detailed design shall be generally in accordance with the concept earthworks, drainage and road plan No.A18465-DA, sheets 1 to 30, Revision D dated 15 March 2013 by bda Building Designers Australia. All cost for the design, construction of the private road and drainage system shall be borne by the developer and any ongoing cost to operate and maintain the road and drainage system shall be borne by the Owner's Corporation for the Community Title Subdivision.

- 17) 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 the Council drainage pit located at the eastern side of the site and from there to Waterloo Road, Drainage System. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the Council Drainage System being relocated through the site. A final stormwater drainage and on site detention system plan, shall be prepared by a suitably 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 no: 20120069-Rev B prepared by S&G Consultants Pty Ltd. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.
- 18) The developer shall have the Subdivision Work Plans amended to reflect the following changes prior to the issue of the Construction Certificate.

- a) Provide an inter allotment drainage line for the existing and future industrial buildings located at Nos. 91, 93, 95, 97, 99, 101 & 103 Wattle Street. The Inter allotment drainage system shall be designed to discharge the 1 in 10 year stormwater design from these lots and to be designed to be connected to the relocated Council drainage easement / 900mm diameter pipe. The inter allotment pipe and 1.2m wide easement shall be located along the southern boundary of the development, adjacent to the rear of said industrial lots. Where the inter allotment pipe is design to be located in between the side setback of dwellings, the pipeline shall avoid a boundary fence line so as to avoid being damaged by installation of boundary fencing. All future dwellings sited adjacent to any inter allotment drainage shall have footings designed to bear below the zone of influence of the adjacent pipeline.
 - b) Provide 1.2m wide concrete foot paving in lieu of the 1m foot paving shown, in accordance with the relevant Australian Standards.
 - c) Locate all proposed Council Drainage Pipes away from future buildings and future boundary fence lines to avoid conflict between pipes and footings and pipes and future fence posts. The Council Drainage system relocation shall be designed by a suitably qualified Hydraulic Engineer. The design shall be presented as a plan view and longitudinal sections showing all of the relevant hydraulic information as specified in Council's Development Engineering Standards. The pipes shall be sized to cater for the 1 in 10 year storm event for the particular catchment involved. The plans must be submitted to Bankstown city Council for review and approval prior to the issue of any construction certificate for the development subdivision works. The plans for the relocation of the Council Drainage system cannot be approved by a Private Certifier.
- 19) 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.
- 20) For internal driveways of individual dwellings, with a gradient exceeding 10% (1 in 10), the developer shall design longitudinal profiles to 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 checked by the architect that it complies with the relevant sections of the Australian Standards.

Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) can be used to design the profile.

- 21) A Work Permit shall be applied for and obtained from Council for the following engineering works, where the site adjoins existing Council Road Reserves, at the applicant's expense:
- a) The intersection of the development road at the property boundary in Wattle Street and the intersection of the development road at the property boundary of Waterloo Road.
 - b) The applicant shall construct a roundabout at the intersection of Wattle Street & Catherine Street, Punchbowl. The design shall incorporate a left-in left-out arrangement at the Wattle Street access to the development by extending the roundabout western leg splitter island. The design of the roundabout including the extended splitter island will be done to the satisfaction of Council's Traffic Engineer, prior to the design being presented to the Bankstown Traffic Committee for review. This process will require at least three months lead time before the approval is obtained from the Traffic Committee. The developer's Traffic Engineer shall liaise with Council's Traffic Engineer prior to commencing roundabout design.
 - c) Relocation of the Council drainage pipelines traversing through the site.
 - d) Relocation, upgrading and/or Connection of the water and sewer system to the existing water and sewer system.
 - e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f) Repair of any damage to the public road including the footway occurring during development works.
 - g) 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 may be 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.

- 22) The subject site is affected by located adjacent to Council's drainage easements and/or is affected by flooding and the development shall comply with the following:
- a) The proposed building(s) shall be located clear of existing and proposed Council easements within the site. Amended plans to this effect shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. All approved construction details shall be consistent with this requirement. Proposed buildings shall be located clear of floodways through the site.

- b) Concrete pier and beam type footings shall be provided for all structures adjacent to Council's future or existing stormwater pipe/easement in accordance with the requirements contained in Council's Development Engineering Standards. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of the Construction Certificate.
 - c) The floor level of the proposed structure(s) adjacent to Council's drainage easement shall be constructed 300mm above (500mm in certain circumstances) the finished ground level within the easement, or floor level shall be constructed to levels as determined by the flood study including freeboard. All approved construction details shall be consistent with this requirement.
 - d) Landscaping within Council's drainage easement shall be limited to grassed or paved surfaces only. Boundary fencing across Council's drainage easement /floodway shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100 year A.R.I. storm. All approved construction details shall be consistent with this requirement. A copy of the approved landscaping details shall be submitted to Council for information.
 - e) An unobstructed overland flowpath (floodway) for excess stormwater runoff from Council's drainage system and upstream catchment shall be constructed and maintained by the owner. 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 the stormwater drainage concept plan. All approved construction details shall be consistent with this requirement. A copy of the approved details shall be submitted to Council for information.
- 23) The developer shall have a suitably qualified engineer prepare full construction documentation for all internal private road and drainage facilities, in accordance with Council's Development Engineering Standards and the relevant Australian Standards for the construction of the proposed roads and kerb and gutter adjacent to the proposed allotments. The Engineer shall certify the design is in accordance with the above requirements prior to the issue of a Construction Certificate by the PCA. The Final detailed design shall be generally in accordance with the concept earthworks, drainage and road plan No.A18465-DA, sheets 1 to 30, Revision D dated 15 March 2013 by bda Building Designers Australia. All cost for the design, construction of the private road and drainage system shall be borne by the developer and any ongoing cost to operate and maintain the road and drainage system shall be borne by the Owner's Corporation for the Community Title Subdivision.

- 24) A minimum of nine (9) of the villas 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.
- 25) 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.
- 26) Documentary evidence from the relevant public authorities (e.g. Sydney Water, Telstra and Energy Australia) shall be submitted to the Principal Certifying Authority to confirm that all of their requirements have been satisfied, prior to issue of the Construction Certificate for the relevant stage.
- 27) The developer shall provide Electrical Street Lighting design, within the development, to meet the requirements of the relevant Australian Standards prior to the commencement of the subdivision works. All cost for the design, installation and operation of the street lights shall be at the cost of the developer and any ongoing cost to operate and maintain the street lights shall be borne by the Owner's Corporation for the Community Title Subdivision.
- 28) The developer shall provide Domestic and Fire Fighting Water, and Sewer Services design, within the development, to meet the requirements of Sydney Water and the relevant Australian Standards prior to the commencement of the subdivision works. All cost for the design, installation and operation of the water and sewer reticulation shall be at the cost of the developer and any ongoing cost to operate and maintain the system shall be borne by the Owner's Corporation for the Community Title Subdivision.

The internal reticulated water supply system for the residential development must be designed to incorporate suitable and adequate Fire Hydrants to the requirements of Australian Standards AS 2419 and NSW Fire and Rescue Authority's relevant code for residential subdivisional developments.

- 29) All residential road pavements shall be designed to withstand traffic loading of 1×10^5 ESA's. The developer shall engage a NATA registered laboratory to test the CBR's (California Bearing Ratio) for the pavement designs. The CBR's shall be tested in accordance to the relevant Australian Standards. Details of pavement design shall be submitted to the PCA, for approval, prior to issue of any Construction Certificate. The pavements specification shall be prepared and certified by a suitably qualified professional Civil Engineer to comply with the relevant Australian Standards and Austroads.
- 30) 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 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 Council's 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.

- 31) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Engineer 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.

Note: 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.

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.

- 32) 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.
- 33) A geotechnical report shall be submitted to the PCA recommending suitable footing designs for the proposed dwellings prior to the issue of the Construction Certificate for the individual dwellings.
- 34) A Construction Management Plan is to be prepared and submitted for approval by Council's Environmental Officer and must include relevant provisions of the DECC's Interim Construction Noise Guidelines.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 35) The erection of a building / subdivision works in accordance with this development consent must not be commenced until:
 - b) Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and

- c) 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
 - d) 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.
- 36) 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.

Procedural Conditioning of Developments

- 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, i.e.; 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.

- 37) 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.
- 38) 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.
- 39) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 40) 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.

- 41) 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.
- 42) 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.
- 43) 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.

- 44) 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.

- 45) The applicant shall provide all services within the subdivision to the satisfaction of the relevant Authorities prior to completion of the roads construction. The cost of any necessary adjustments to the utility mains and services shall be borne by the applicant. All services shall be provided underground.
- 46) 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.

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 the ground floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished ground 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 of open style with the bottom solid section not exceeding 1m in height. Anti-graffiti coating is to be used on fences facing a public space.
- 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) 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.
- 57) The applicant must, at their own expense, engage a NATA Registered Soil Testing Authority to ensure that the standard of compaction achieved within the proposed road pavements and adjacent areas is in accordance with the approved specifications and Council's AUSSPEC 1 & 2.
- 58) Development located adjacent to Council's drainage pipe and/or easements shall comply with the following:
- a) Concrete Pier and beam type footings/foundations adjacent to Council's drainage easements shall be constructed in accordance with the approved details and Council's Development Engineering Standards. The applicant/developer shall arrange for an inspection to be carried out by Council to verify depth and location of piers in relation to the pipe and easement prior to pouring of concrete.
 - b) Any disturbance or damage caused to Council's drainage pipes within the site shall be repaired by Council at the applicant's expense. The applicant shall notify Council of such damage immediately after it occurs, and of any pre existing damage prior to commencement of work within the site.
- 59) A CCTV system shall be installed monitoring the entry/exit points of the estate including the car park. This system needs to be able to monitor and record motion video and retain this footage for a minimum period of two weeks. The hard drive where the footage is stored should be locked and secured away.
- 60) Signage shall be placed throughout the premises alerting persons to the presence of the CCTV system. Further directional signage should be placed displaying directions to areas of the premises such as unit numbers.
- 61) Clear signage to assist emergency services when they are accessing the site shall be provided.
- 62) 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.
- 63) Any new information which comes to light during demolition, excavation or construction which has the potential to alter previous conclusions regarding 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.

- 64) 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.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 65) 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.
- 66) 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.
- 67) A minimum of seventeen (17) visitor spaces are to be provided and marked generally as shown in the approved plan.
- 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 roads, parking bays, and service lanes 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) A storage area of at least 8m³ is to be provided to each dwelling. The storage area may be provided in the form of garden sheds, or areas attached to the rear of the proposed garages. The location of any storage areas is to be such that their location does not interfere with the use of the private open space of the dwelling or amenity of the adjoining dwellings. In this regard, each dwelling

is to be provided with a private open space area of 60m² with minimum dimensions of 5m, exclusive of any areas set aside for storage areas.

- 73) The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.
- 74) 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.
- 75) All redundant easements shall be extinguished after the Council pipelines have been relocated and prior to or as a part of the subdivision of the development. All costs are to be borne by the developer. The process to extinguish a Council Easement requires the matter to be considered by the Elected Council and a resolution of the council prior to the extinguishment of the easements. This process will require at least two months lead time before the easements are required to be extinguished.
- 76) 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.

- 77) 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.

CONDITIONS TO BE SATISFIED PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

- 78) The subdivision certificate shall not be issued until the final Occupation Certificate has been issued for the building, site and subdivision works.
- 79) An application and appropriate fees for the issue of a Subdivision Certificate shall be submitted to Council upon all works being completed.
- 80) Prior to the issue of the Subdivision Certificate, the following items are to be complied with:
 - (a) The developer shall create the following easements, where necessary over the relevant lots, on the plan of subdivision under provisions of the Conveyancing Act. A statement shall be placed on the Section 88B Instrument that nominates Bankstown City Council as the authority empowered to release, vary or modify the easements created.
 - a. Easements to drain water (for inter-allotment drainage pipes).
 - b. Easements to drain water (for relocated Council drainage pipes).
 - c. Easement for services (for utilities).
 - d. Right of carriageway (for internal driveway, vehicle manoeuvring).
 - e. Easement for overhang (for eaves and gutters).
 - (b) The following information shall be submitted to Council or accredited certifier (where applicable) with an application for a Subdivision Certificate:
 - i. Original plan of subdivision prepared and signed by a qualified surveyor, plus five (5) copies;
 - ii. Copy of the relevant development consent, including all Section 96 Modifications if applicable,
 - iii. Evidence that all conditions of consent relevant to the release of the subdivision certificate have been complied with,
 - iv. A certificate of compliance (Section 73 Certificate) from Sydney Water if required,
 - v. Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone are contained separately within each lot or within easements created to accommodate such services

- vi. A Work As Executed Plan prepared by a registered surveyor, together with certification from a qualified professional civil engineer of the constructed on-site drainage and stormwater detention system, shall be obtained prior to release of the subdivision plans.

The Work As Executed plans shall be shown on a copy of the approved stormwater drainage plan and shall contain all information specified in Council's Development Engineering Standards.

The Work As Executed information shall be shown in red on a copy of the approved plans. The information shall be submitted to the Engineer prior to certification.

A copy of the work as executed information together with the certification shall be submitted to Council for information prior to issue of the linen plan.

- viii. Copy of the Work Permit Compliance Certificate, where required.

- ix. A copy of the Final Certification of the Subdivision Works.

81) The developer shall provide the following information and requirements, prior to the issue of the Subdivision Certificate, for Lots located adjacent to Council's drainage easement and/or lots affected by overland flooding:

- A Work As Executed Plan (WAE) prepared by a registered surveyor, together with certification from a qualified professional Civil Engineer of the capacity and adequacy of the constructed floodway/flow path. The Work As Executed information shall be shown on a copy of the approved plans and shall include construction information as required by Council's Development Engineering Standards. The WAE plan and the Engineer's certification shall be submitted to Council for
- Easements to drain water 2.0m wide, 3.0 meter wide and as directed by Council, in accordance with the Council's DES, shall be created in favour of Council over the proposed relocated stormwater pipes within the site. In addition to the 3.0 meter wide Council storm water easement to be created along the proposed roadway, further Council storm water easements have to be created as follows: 2.0m wide easement between the proposed Dwellings Nos. 16 and 17, between the proposed Dwelling No. 24 and the northern boundary of the subject development, between the proposed Dwelling Nos. 54 and 55 and to the rear boundary of the proposed Dwelling Nos. 54 and 55.
- A Restriction On the Use of Land under the relevant provisions of the Conveyancing Act shall be registered on the title of the subject property, requiring that:
 - (i) "A flow path for overland stormwater runoff / floodway, from upstream properties and Council's Public Road shall be maintained within Council's drainage easement/constructed floodway boundaries."

- (ii) "No trees or shrubs shall be planted within Council's drainage easement/ constructed floodway boundaries."
- (iii) "Changes to approved levels and/or the construction of walls and landscaping within Council's drainage easement/constructed floodway boundaries are not permitted unless approved by Council".
- (iv) "Any fencing constructed across the floodway or overland flow path shall be maintained to allow for the free passage of surface flow of stormwater to the satisfaction of Council".

Note: The location of the "Flowpath/floodway" shall be shown on the subdivision plan.

- 82) A Restriction on the Use of Land and Positive Covenant under the provision of Section 88B of the Conveyancing Act and in accordance with the terms described in Council's Development Engineering Standards shall be registered on the title of the subject property requiring that the "On-Site Stormwater Detention System" within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council. Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision.
- 83) The developer must provide written confirmation from the NSW Fire and Rescue Authority that the internal reticulated water supply system, which incorporated the fire hydrant services, was constructed as per the approved design and to the satisfaction of the NSW FIRE and Rescue Authority.
- 84) The Neighbourhood Management Plan shall include the following bye-laws in the Plan to the effect that:
 - a) Satisfactory access shall be allowed to Council garbage vehicles. Bankstown Council will not be held liable for any damage caused to the internal road system by their vehicles.

The Management Plan shall be submitted to Council for approval prior to the release of the Subdivision Certificate. The Council may include additional or delete certain bye-laws as it deems appropriate prior to the release of the Subdivision Certificate.

END