

Notice to Applicant of Determination of a Development Application

Environmental Planning and Assessment Act, 1979. Section 81(1) (a)

Staged Development with Determination on a “Deferred Commencement” Basis

Environmental Planning and Assessment Act, 1979. Section 80(3)

Development Application No. DA-224/2014

Doltone House Deepwater Estate Pty Ltd
C/- SOFIE MASON-JONES
PO BOX 1812
NORTH SYDNEY NSW 2059

Date of Determination: Draft
(Note that this is not the endorsed date of consent)

Determination Notice No.: DA-224/2014

Property: Lot A in Deposited Plan (DP) 405225 and Lot D in DP 391154, No. 30 Webster Street, MILPERRA NSW 2214, 31 Webster Street, MILPERRA NSW 2214, and Lots B and C in DP 405225, Lots 1, 2, 25 and 26 in DP 361310 and Lots 57-65 in DP 9892, No. 2 Maxwell Avenue, MILPERRA NSW 2214

Bankstown City Council hereby Consents to the above described land being developed on a “Deferred Commencement” basis for the following purpose, subject to compliance with the conditions and requirements set out in the attached schedules. This consent requires the applicant to provide evidence to Council sufficient to satisfy the matters identified in Schedule A of this consent. These matters must be satisfied before the consent can operate.

Description of Development: A staged development under section 83B of the Environmental Planning and Assessment Act 1979 with Stage 1 comprising alterations and additions to the existing Deepwater Motor Boat Club building accommodating a first floor function centre, new restaurant, landscaping, carparking, emergency evacuation route through Webster Street and infrastructure services with Stage 2 comprising the construction of a new boatshed.

Planning Instrument:	Bankstown Local Environmental Plan 2001 Gazetted 17 May 2002
Zoning of Property:	6(a) – Open Space 6(b) – Private Recreation 5 - Special Uses: RTA R/W
Consent to Operate From:	Upon satisfaction of matters listed in Schedule A
Consent to Lapse On:	Five years from the date of issue of the Operational Consent

STAGED DEVELOPMENT

This development consent is granted for a staged development within the meaning of Section 83B of the *Environmental Planning and Assessment Act 1979* for the following works:

Stage 1:

Alterations and additions to the existing Deepwater Motor Boat Club building accommodating a first floor function centre, new restaurant, landscaping, carparking, emergency evacuation route through Webster Street and infrastructure services.

Stage 2:

Construction of a new boatshed.

Notes:

1. Approval is granted for Stage 1 on a “Deferred Commencement” basis within the meaning of Section 80(3) of the *Environmental Planning and Assessment Act 1979*.
2. Separate development consent is required for the Stage 2 works.

SCHEDULE A: DEFERRED COMMENCEMENT REQUIREMENTS

The following deferred commencement conditions must be complied with to the satisfaction of Council within twelve (12) months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. A suitably qualified Civil Engineer shall be engaged to prepare a detailed road and car parking design for the function centre carpark and Council Carpark/s, based on a topographic survey of Webster Street, prepared by a Registered Surveyor. The surveyor shall indicate the location of all existing trees and protected plants, within the vicinity of the proposed raised portion of Webster

Street and the function centre carpark. The Engineer shall design the proposed levels and necessary batters required to raise Webster Street and the function centre carpark to a minimum level of RL2.7mAHD. The design plan shall be submitted to Council for an assessment of the impact on existing trees and proposed measures to protect them. The plans are to reduce any impact on existing trees and protected plants. Any necessary retaining structures are to be designed, sited and located to avoid impacting on protected trees and plants. Council shall nominate the retaining wall construction material prior to the issue of any Final Work Permit / Construction Certificate for the civil works associated with the development. The plans shall show the provision of an amount of Council carparking spaces equivalent to that lost by the raising of Webster Street.

2. A detailed plan of the Council carpark/s shall be prepared according to the following requirements:
 - Minimise impacts on native flora,
 - Road and carpark batters on the southern side of Webster Street turfed with Kikuyu sp,
 - Grades area to be 1:5 in open parkland reducing to 1:3 around tree bases and root zone areas,
 - Arborist advice must be sought to ensure grades are suitable to guarantee no damage to long term tree health, and
 - The design shall comply with the requirements of the Disability Discrimination Act, 1992 and Aus-Spec.

The location of the Council carpark/s shall be in the location shown on the concept carparking plan stamped by Council numbered DA-01.

3. A revised Flood Impact Assessment and Flood Emergency Response Plan shall be submitted to Council having regard to a minimum function centre carpark being at a Level of 2.7mAHD.

SCHEDULE B: FORESHADOWED CONDITIONS OF APPROVAL

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-224/2014, submitted by Doltone House Deepwater Estate Pty Ltd, accompanied by:
 - Job No. 266-13, Drawing No. SA01, A1.03, A1.04, A2.01, A2.02, A2.03, Issue DA-1, prepared by Axil Architects,
 - Assessment of Significance of Potential Impacts of the Proposed Redevelopment of Doltone Motorboat Club Site, Deepwater Park, Milperra on the status of the Swift Parrot and the fauna survey and assessment prepared by Dr. Stephen Ambrose dated 1 October 2014 and 27 July 2011,
 - Assessment of Significance: Upgrading the existing Webster Street for the provision of a flood evacuation route for the upgrading of the existing Deepwater Motorboat Club, Milperra and general flora assessment prepared by Dr AnneMarie Clements, Dan Clarke, Dr Anne Baumann, Tony Rodd and Rosemary Snowden dated 23 October 2014, 2 September 2014 and 10 March 2014,
 - Bushfire Hazard Assessment prepared by Joy Hafey Environmental Consultant dated March 2014,

- Preliminary Site Investigation – Doltone House Deepwater, Milperra prepared by Worley Parsons dated 27 February 2014,

and 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.

- 3) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.

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

- 4) 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.
- 5) A Construction Staging Plan shall be submitted to Council for Stage 1 works. This shall include listing the stages of development works including the vehicular entry and exit points during construction and pedestrian entry and exit points during the raising of Webster Street. The works to the Doltone House Deepwater Estate site shall occur prior to the raising of Webster Street.
- 6) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared 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.

The landscaped plan shall incorporate the following:

- The trees located within the footprint of the proposed function centre car park and identified as being in good health in Section A3.2.3 of the Flora Assessment and 5x Eucalyptus moluccana (Grey Box) in Deepwater Reserve shown in Chainage 270 and Chainage 290-300, as per Clements flora report dated 30/9/2014, page 3 shall be retained and incorporated into the landscape plan.
 - Tree planting in the car park area shall be designed to provide at least 30% canopy coverage with non-touching crowns at maturity.
- 7) The applicant shall prepare a comprehensive Tree Management Plan. The Tree Management Plan shall comply with the requirements outlined in AS 4970-2009 Protection of trees on development sites and Section 13 of the Tree Report (2010). The applicant is to engage the services of a suitably qualified Consultant Arborist (minimum qualifications Australian Qualification Framework Level 5) with experience in large scale projects to act as project arborist and to implement the Tree Management Plan.

- 8) The applicant shall appoint a project arborist, with minimum qualifications as detailed in s.1.1.4 of Australian Standard AS 4970-2009 Protection of trees on development sites, to prepare a Tree Management Program for the proposed works along Webster Street and in Deepwater Park. All trees to be retained and protected are to be covered by this Tree Management Program. The Program shall generally comply with section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites and Bankstown City Council tree report guidelines / arboricultural method statement.

The details of this Tree Management Program are to be site specific and should include, but are not limited to, the following issues:

- i. Tree Management Procedures that include:
 - a. Record keeping and documentation,
 - b. Monitoring and control,
 - c. Conflict resolution,
 - d. Project Implementation.
- ii. General tree protection procedures,
- iii. General tree care procedures,
- iv. Specific tree care and protection procedures (for each tree if necessary),
- v. Ongoing maintenance procedures, and
- vi. Tree pruning and removal procedures.

The Tree Management Program is to be completed and a copy forwarded to Council prior to the issue of the Construction Certificate.

The project arborist shall document all works impacting on the tree, and submit a written report to Council, including relevant photographs and annotated plans, at the final completion of the works.

The project arborist shall also liaise with Council's Tree Management Planner during the course of the project to organise joint site inspections of the tree at agreed scheduled hold points.

If, in the opinion of the project arborist, the cumulative impact of the site works causes the tree to become unviable for long term retention, or the tree suffers sufficient damage to the root system to render it potentially unstable, the project arborist shall contact Council's Tree Management Planner to agree on appropriate remedial action.

- 9) A Conservation Management Plan shall be prepared to the satisfaction of Council detailing the management of weeds and bushland/riparian corridor for Deepwater Reserve and the subject site prior to the issue of the Construction Certificate.
- 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. 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) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater 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 website www.sydneywater.com.au for:

- Quick Check agent details - see Building and Developing then Quick Check; and
 - Guidelines for building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.
- 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, which is 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.
 - 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 \$91,264.28 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 an engineering design which identifies all proposed finished surface levels of all civil works within the development site and civil works within the Council Road and Public Reserves. The Engineer shall design the levels so they achieve the intended concept design principles as set out within Worley Parsons report dated 2 September 2014.
- 17) The developer shall apply to Council for a Work Permit / Construction Certificate for the following engineering works along and within Webster Street and the adjoining Council Public Reserve, at the applicant's expense, for the following works:

- The raising of Webster Street.
- The construction and relocation of car parking along Webster Street.
- The construction of any Stormwater Drainage System within the Council Reserves or connection to Council's system.
- Full depth road shoulder to Webster Street.
- Repair of any damage to the surrounding public roads occurring during development works.
- The adjustment or relocation of existing public utility services to match the raised design levels as proposed on the approved Work Permit / Construction Certificate. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority at the developer's expense.

The developer shall apply to Council for a separate Work Permit / Road Opening Permit for each of the major extensions of any Public Utility including, but not limited to, gas, domestic water, sewer, electricity, telephone, and NBN. The developer shall bear all associated costs for the restoration of road and footways associated with the offsite utility extensions prior to the issue of the relevant road opening permits.

- 18) The developer shall engage a suitably qualified Civil Engineer to prepare a Stormwater Drainage Plan to dispose of stormwater from the development in accordance with Council's Development Engineering Standards and the intended concept design principles as set out within Worley Parsons report dated 2 September 2014. The design engineer shall certify that the design complies with Council's Development Engineering Standards, the relevant Australian Standards and the Worley Parsons Report.
- 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 Council approved material, retaining wall, intended and suitable for that purpose, shall be constructed within the development site and Road or Public Reserves. The developer shall replace batters with retaining wall construction where the batter impacts on sensitive plant or tree life and as instructed and agreed by Council. A qualified professional Civil/Structural Engineer shall design all retaining walls proposed within or adjacent to the public infrastructure / land. The engineer shall design all retaining walls prior to the issue of the Construction Certificate for any Civil Works.
- 20) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown DCP 2005 – Part D7 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate.
- 21) The developer shall engage a suitably qualified professional Civil Engineer to design a flexible Asphalt Concrete pavement to withstand a Traffic Wheel Loading of 2×10^6 ESA's and to comply with the relevant Austroads Standards for the raising of Webster Street. The developer shall also design an all weather Asphalt Concrete pavement suitable to withstand the anticipated wheel loads for all areas subjected to vehicular movements within the development site. The

developer shall provide the designs to Council prior to the issue of a construction certificate for the Civil Works.

- 22) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 23) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and 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.

- 24) 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 / Construction Certificate 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.

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.

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 for example, Hoardings, Work Zones etc.

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of twenty 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.

- 25) A certificate from a practising and suitably qualified structural and/or hydraulic engineer certifying that the existing structure is capable of supporting the new superimposed loads, debris from falling trees and floodwaters from the Georges River shall be submitted prior to the issue of a Construction Certificate.
- 26) The developer shall enter into a Maintenance Agreement, with Council, which binds the developer into a defect liability period of minimum 6 months from the final handover of the Webster Street road works. The developer shall submit an Unconditional Security Bond or Bank Guarantee for the amount of 5% of the agreed construction cost of the Webster Street road works. The Bond / Guarantee will be held by Council until such time as satisfactory final defect liability inspection has been completed by Council.
- 27) The existing building must be brought into conformity with the requirements of the Building Code of Australia (BCA), to protect persons using the building, and to facilitate their egress from the building in the event of fire. Details indicating compliance with the requirements of the BCA must be provided to the certifying authority prior to the issue of a construction certificate.
- 28) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 20% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 20 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 29) A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
- 30) 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.

CONDITIONS TO BE SATISFIED PRIOR TO WORKS COMMENCING

- 31) 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.
- 32) 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.
- 33) 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.
- 34) 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.
- 35) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 36) 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.

- 37) 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.

The location of the fencing is to be approved by Council prior to installation.

- 38) 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.
- 39) 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.

- 40) Permission is granted for the demolition of required structures 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.
- 41) Approval from the relevant electricity provider shall be obtained prior to the removal and reinstatement of the power poles on Webster Street. Any terms or conditions of the approval shall be strictly adhered to.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 42) 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.

- 43) 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.
- 44) 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 / Construction Certificate requirements and to Council's satisfaction.
- 45) Any flood sensitive material above the estimated 1 in 100 year flood level of the Georges River.

The development is to be constructed in flood compatible material and all flood sensitive equipment is constructed to resist flood waters or be installed above the estimated 1 in 100 year flood level.

- 46) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards. The developer shall engage a suitably qualified NATA Testing laboratory to perform compaction testing for the filling and raising of Webster Street and construction of the Webster Street Pavement. Testing shall be in the order of every 50 meters for every pavement layer and in accordance with the relevant Australian Standards. The Contractor shall re-compact all areas which achieve a failed compaction result and have the testing agency re-test and repeat the process until the compaction results are of a passing value. The developer shall provide all test results to Council for inspection and recording purposes.
- 47) The existing swimming pool shall be removed and the excavated area filled with select material in accordance with AS3798-2007. All fill material imported to the site shall be clean fill in accordance with Council's specification and free of contamination. Fill material shall be placed in minimum 150mm deep layers with a compactive effort of 95% standard compaction. Testing of the fill material shall be carried out by a NATA registered Geotechnical Testing Authority. Testing of the fill material shall be conducted at a frequency of 1 test per 2 layers per 50 square metres.
- 48) 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).
- 49) The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia.
- 50) 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.

- 51) The restaurant awning is approved as an open structure only and shall not be enclosed by a wall, roller door or similar obstruction.
- 52) 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.
- 53) During construction of the new car park, excess fill materials are to be inspected by an appropriately qualified and experienced environmental consultant to determine the suitability of the fill material for re-use in the car park construction. Fill material is to be sampled and classified/ validated by a suitably qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines, prior to re-use onsite. Fill material determined to be unsuitable for re-use is to be disposed of to an appropriate EPA licensed waste facility.
- 54) Any soil or fill to be removed from the site shall be classified/ validated by a suitably qualified and experienced environmental consultant. This is to be done in accordance with relevant guidelines including, but not limited to, the NSW EPA Waste Classification Guidelines 2009, prior to disposal to an appropriate EPA licensed waste facility.
- 55) Any soil or fill to be imported to the site, shall be classified/ validated prior to importation to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant guidelines including, but not limited to, the NSW EPA Waste Classification Guidelines 2009.
- 56) If unexpected soil contaminants are unearthed during excavation and/or construction works, which has the potential to alter previous conclusions made regarding potential site contamination; all work is to cease and Council notified immediately. The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant, which is prepared to the satisfaction of Council, prior to the re-commencement of works.

Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor, if required.

- 57) Acid Sulfate Soils shall be managed in accordance with the submitted plan; "Doltone House Deepwater, Milperra, Acid Sulfate Soils Management Plan", by Worley Parsons, 7 March 2014.

58) Approval is granted for the removal of the following trees within Deepwater Reserve:

Tree Species	Location
2 x <i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	Tree locations as per Clements 30/9/2014, page 3.
1 x <i>Melaleuca decora</i> (White Feather Honeymyrtle)	
3 x <i>Casuarina glauca</i> (Swamp She-oak)	
0.0155 to 0.030 ha of Swamp Oak Floodplain Forest	

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.

59) Locally sourced and certified endemic plant species are to be used to stabilise the graded bank and drainage swale on northern side of Webster Street. The applicant shall liaise with Council in the selection of plant species.

60) 40 km/hour speed limit wildlife crossing signs shall be installed along Webster Street.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

61) 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.

- 62) 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.
- 63) The operator of the premises must register the business with the Compliance Unit of Council and arrange an inspection with Council's Environmental Health Officer.
- 64) 340 off street car parking spaces shall be provided/maintained for the use of visitor and employees to the premises in accordance with the submitted plans. 272 of these spaces are to be sealed and line marked and maintained while provision for 68 spill over spaces shall be provided as per the approved plans.
- 65) An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:
- a) List of chemicals and maximum quantities to be stored at the site;
 - b) Identification of potentially hazardous situations;
 - c) Procedure for incident reporting;
 - d) Details of spill stations and signage;
 - e) Containment and clean-up facilities and procedures;
 - f) The roles of all staff in the plan and details of staff training;
 - g) A detailed flood evacuation management plan based on the function centre carpark designed at the minimum level of RL2.7mAHD level. .
- 66) 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.
- 67) 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, to the PCA, prior to the issue of the Occupation Certificate or occupation of the site.
- 68) Lighting must be provided to the entries of the buildings, 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 fauna to minimise glare and associated nuisances to fauna species residing at Deepwater Reserve.
- 69) A registered surveyor shall prepare a Work As Executed Plan. 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 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.

- 70) A Copy of the Work Permit / Construction Certificate Compliance Certificate, for the Road Works, shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- 71) Council's Environmental Health and Building Officer must inspect the premises prior to the occupation of the premises.
- 72) The premises must be registered with Council's Health and Waste Compliance Unit prior to the opening of the business and commencement of trading at the premises.
- 73) Replacement trees on the Doltone House Deepwater Motorboat club site shall be locally occurring native species sourced from the site, as recommended in the Flora Assessment. For feature tree planting and tree planting in the car park areas, the trees are to be grown on to at least a minimum of 200 litre container size. To ensure quality tree material and long term viability, the trees are to comply with the standards detailed in Specifying Trees: a guide to assessment of tree quality (2006) NATSPEC.
- 74) The applicant shall supply to Council at least 120 replacement trees for planting in Deepwater Park. The trees shall be locally occurring native species sourced from the site as recommended in the Flora Assessment. To ensure quality and long term viability, the trees shall have a container size not less than 75 litres, be grown by an accredited tree production nursery, and comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003).

The applicant shall liaise with Councils Tree Management Planner on the sourcing and supply of the trees.

- 75) The subject sites (Lot A in Deposited Plan (DP) 405225 and Lot D in DP 391154, No. 30 Webster Street, MILPERRA NSW 2214, 31 Webster Street, MILPERRA NSW 2214) shall be consolidated. The plan for consolidation is to be registered prior to the release of the Occupation Certificate.

USE OF THE SITE

- 76) Car parking spaces for 272 vehicles shall be provided in marked spaces and 68 spillover spaces shall be provided in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 77) This approval is limited for a maximum of 900 people including staff for the function centre.
- 78) This approval is limited for a maximum of 112 people including staff for the restaurant.
- 79) Landscaping on the site shall be upgraded as per the approved landscape plan.

- 80) The hours of operation of all uses shall be limited to between 7am to 12am midnight on weekdays and 7am to 12am midnight on weekends.
- 81) All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.
- 82) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 83) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 84) All chemicals shall be stored, handled and disposed of in accordance with:
- a) AS 1940 – 2004 The Storage & Handling of Flammable and Combustible Liquids.
 - b) NSW EPA 'Storing and Handling Liquids, Environmental Protection, Participants Manual 2007'.
 - c) NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- 85) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 86) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 87) No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 88) Identification number/s are to be conspicuously displayed at the front of the premises.
- 89) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 90) Any portion of the development used for the storage, service or sale of food is to be designed, constructed and operated in accordance with the requirements of the Food Act 2003 and Regulations; FSANZ Food Standards Code, AS4674, AS1668 Parts 1 and 2 and the Protection of the Environment Operations Act 1997.

- 91) Signs shall display advertising relating only to the usage of the site and shall be maintained in good order at all times.
- 92) Signs shall not flash or contain flashing lights or devices that enable the signs to change colour or create movement.
- 93) The signs shall only be illuminated during the trading hours associated with the use of the premises. The intensity of the lights illuminating the sign shall be limited to 120 watts per square metre of glass.
- 94) Any lighting on the site shall be designed so as not to cause nuisance to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.
- 95) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 96) Vehicular access to the site shall be from Webster Street only.
- 97) There is to be no change to the hydrology/hydrogeology as a result of the altered road height, car park and associated construction as per the documentation submitted to Council by Worley Parsons dated 21 October 2014.
- 98) The construction and use of the function centre, restaurant and roadway shall not cause the water quality of the Georges River to deteriorate.
- 99) The Webster Street realignment of the creek crossing shall allow for safe pedestrian/cycle passage.

NSW ROADS AND MARITIME SERVICES CONDITIONS

- 100) Roads and Maritime Services supports the proposed upgrade of the intersection of Webster Street and Henry Lawson Drive including the provision of a right turn bay on Henry Lawson Drive for right turn movement into Webster Street and provision of a 3 metre wide shoulder on Henry Lawson Drive for vehicles turning left into Webster Street.

However, the concept drawings (drawing number: 14S1303000-01-01-P1) submitted by GTA Consultant are indicative only and subject to further refinement upon submission of detailed design plans. This shall be done prior to the issue of the Construction Certificate.

- 101) The proposed intersection treatments on Henry Lawson Drive shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the

Construction Certificate by Council or the PCA and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the above mentioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

- 102) Turn paths for 14.5m bus shall be provided to Roads and Maritime and Council to show the largest vehicle anticipated can make all turns both into and out of Webster Street and the sports field. These turn paths can be submitted together with the detailed design plans.
- 103) A Road Occupancy License should be obtained from Roads and Maritime for any works that may impact on traffic flows on Henry Lawson Drive during construction activities.
- 104) The layout of the proposed carparking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

NSW RURAL FIRE SERVICE CONDITIONS

- 105) The development proposal is to comply with the site layout identified on the drawing prepared by Axil Architects numbered 266-13, Issue DA-2 dated 03/09/2014.
- 106) At the commencement of building works and in perpetuity the property around the two buildings to a distance of 50 metres (or to the property boundary if less than 50 metres), shall be maintained as an inner protection area (IPA) and 10 metres, shall be maintained as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.
- 107) Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.
- 108) Internal roads shall comply with Section 4.2.7 of Planning for Bush Fire Protection 2006.
- 109) An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document Guidelines for the Preparation of Emergency/Evacuation plan.
- 110) New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas and section A#7 Addendum Appendix 3 of Planning for Bush Fire Protection.

- 111) Landscaping to the site is to comply with the principles of Appendix 5 of “Planning for Bush Fire Protection 2006”.

Note: The asset protection zones (APZ) required as part of the development will encompass land that will be located within a riparian corridor/area. Ecological management of the riparian area may conflict with that required for the APZ's. In this regard the applicant will need to liaise with the relevant Government Department to identify their management requirements do not conflict with those required for the APZ's by the NSW Rural Fire Service.

NSW DEPARTMENT OF PRIMARY INDUSTRIES – OFFICE OF WATER

- 112) The Construction Certificate shall not be issued over any part of the site requiring a “Controlled Activity Approval” until copy of the approval has been provided to Council.

Note: The general terms of approval are attached in Schedule D.

NSW DEPARTMENT OF PRIMARY INDUSTRIES – FISHERIES NSW

- 113) The applicant shall liaise with Fisheries NSW with regard to the relocation of the existing box culvert located within Webster Street. Any requirements of Fisheries NSW shall be incorporated prior to works commencing.

SCHEDULE C: ADVICE TO APPLICANTS

Inspection of building works shall be undertaken as determined by the PCA. If Bankstown City Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.

Where a combined development consent is issued for demolition of buildings and construction of new work, a Construction Certificate must be obtained for the work, including demolition.

Also, before you dig, call “Dial before you Dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance to nearest cross street) for underground utility services information for any excavation areas.

SCHEDULE D: NSW DEPARTMENT OF PRIMARY INDUSTRIES – OFFICE OF WATER GENERAL TERMS OF APPROVAL

General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000

Our Reference: 10 ERM2014/0339 **File No:** 9058098
Site Address: 30 Webster Street Milperra & 31 Webster street Milperra and 2
Maxwell Avenue Milperra
DA Number: DA2014/224
LGA: Bankstown City Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/224 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Soil and Water Management Plan (iii) Amendments to Plans No A1.01 issue DA (site Plan) by daoltone house dated 07-03-2014 and related plans so that the paved area associated with the new boat shed, stage 2, to setback from the top of the bank of Georges River in consultation with the Office of Water.
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

www.water.nsw.gov.au
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 |
f + 61 2 883 87554 | e information@water.nsw.gov.au | ABN 72 189 919 072
170912

Our Reference: 10 ERM2014/0339 **File No:** 9058098
Site Address: 30 Webster Street Milperra & 31 Webster street Milperra and 2 Maxwell Avenue Milperra
DA Number: DA2014/224
LGA: Bankstown City Council

Number	Condition
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Access-ways	
9	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
Disposal	
11	The consent holder must ensure that no materials or cleared vegetation that may <ul style="list-style-type: none"> (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
12	The consent holder is to ensure that all drainage works <ul style="list-style-type: none"> (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
13	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
14	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
15	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

www.water.nsw.gov.au
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170912

Our Reference: 10 ERM2014/0339 **File No:** 9058098
Site Address: 30 Webster Street Milperra & 31 Webster street Milperra and 2 Maxwell Avenue Milperra
DA Number: DA2014/224
LGA: Bankstown City Council

Number	Condition
Maintaining river	
17	The consent holder must ensure that <ul style="list-style-type: none"> (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
River bed and bank protection	
18	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 40 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
19	The consent holder must establish a riparian corridor along Georges River in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

For further information regarding this notice please contact Jai Shankar in Development Services on 9707 9809.

Yours faithfully,

Jai Shankar
Development Assessment Officer