

## 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-739/2014, submitted by Architecture & Building Works Pty Ltd, accompanied by the following reports and drawings:
  - Drawing Nos. PN-0424 A01 to A20 & A40, Issue B, dated 23 March 2015, prepared by Architecture & Building Works Pty Ltd.
  - Drawing No. PN-0424 A-0000 titled 'Material Sample, dated June 2014, prepared by Architecture & Building Works Pty Ltd.
  - Concept Stormwater Plan Nos. 10AH258- D001 to D0016, Rev – D, prepared by Australian Consulting Engineers.
  - Concept Landscape Plan DWG: IS0034 DA1 to DA4, prepared by isthmus Pty Ltd, dated June 2014
  - Geotechnical Investigation for Proposed Multi-Level Building, prepared by JK Geotechnics, dated 16 January 2013.
  - Traffic and Parking Assessment Report Ref: 14316, prepared by Varga Traffic Planning Pty Ltd, dated 23 June 2014.
  - Acoustic and Rail Vibration Assessment, prepared by Acoustic Solutions P/L, dated 23 May 2014.
  - Safer by Design, prepared by Architecture and Building Works Pty Ltd, dated February 2015; and
  - NABERS Assessment Report, Ref: E.ABW-0101-R2, prepared by Sustainable Environment, dated 24 October 2014.

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) The particular uses of the retail and office component shall be the subject of separate development applications.
- 4) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.

### **[Conditions applied by Bankstown Airport – 5 to 10]**

- 5) The building must not exceed a maximum height of 54.1 metres AHD inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden plantings, exhaust flues etc.

- 6) The proposed building is to be obstacle lit with a low intensity steady red obstacle light installed at the highest point of the roof. For detailed obstacle lighting requirements refer to the subsections 9.4.2 and 9.4.6 of the Manual Of Standards (MOS) Part 139;
- 7) Obstacle lighting is to have a remote monitoring capability, in lieu of observation every 24 hours, to alert Bankstown' Aerodrome reporting staff of any outage.
- 8) The proponent is to provide information of BAL that the lighting provisions are in accordance with the section 9.4 of the MOS Part 139;
- 9) The proponent is to inform BAL of the finished building heights; and
- 10) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- 11) The following energy and water performance requirements shall be fully complied with:

General:

- i. No development works are to be carried out which amend or remove energy and water performance measures provided to meet the requirements of Clause 30A (FSR Bonus Scheme) of Bankstown Local Environmental Plan 2001.

Residential Development

- ii. The development shall be carried out in accordance with BASIX Certificate Number: 606757M-03, dated 15 July 2015.

Non-Residential Development

*Energy*

- i. The following energy performance measures are to be incorporated in the building design:
  - a. Motion detection light activation is provided for all common areas.
  - b. High-efficiency light fittings will be used in the non-residential development.
  - c. Level of performance for any split system air-conditioning system will be COP 3 or higher.

## Water

- ii. The following water performance measures are to be incorporated in the building design:
  - a. Tapware in kitchen and bathroom tap fittings for non-residential land uses shall be 6-star WELS.
  - b. Toilets for non-residential land uses shall be 4-star WELS.
  - c. All showerheads for non-residential land uses shall be between 4.5 L/min and 6L/min.
  - d. Waterless urinals will be used for non-resident land uses.

## 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:*

- 12) 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.
- 13) 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 landscape plan shall also include the following specific items:

- Pavement at the front of the site within Council's footway to be to BCC CBD Type 1 to BCC Standard Detail S-021. BCC CBD Type 1 is full-width concrete pavers laid in stretcher bond pattern mortared in place over a 125mm thick fibre-re-inforced concrete base course. Pavers are to be Urbanstone or equal 'Silver Grey' banding and header course with 'Lamington' infill, meeting a 'Class W' slip resistance. Mortar bed to be 30-35mm thick, joints between 3-5mm using plain grey cement.
- Provide 8 x street trees planted at approx. 8m spacing's. (Utilise existing set-out as shown in DA plans - provide additional trees interspaced to the north of those already shown on plan).
- Trees to be *Pyrus calleryana* 'Bradford' planted at 200 litre pot size.
- Trees to be planted to standard detail S-021, incorporating structural soil in trenching arrangement between trees.
- All electrical and service cabling to be relocated underground.

- 14) The landscape plan shall include the provision for the construction/ replacement of boundary fencing. A new 1.8m fence is to be erected along the side and rear boundaries of the subject allotment, where required, at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of masonry unless the type of material is stipulated in any flood study prepared for the site. The detail of the fence is to be determined in consultation with the adjoining property owners.
- 15) 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.
- 16) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 17) 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](http://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.

- 18) 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.
- 19) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 20) 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 \$353,504.67 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.

- 21) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 22) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
  - a) A heavy duty VFC of maximum width of 6.0 metres at the property boundary.
  - b) Drainage connection through an OSD to Council's system.
  - c) Footway paving along the sites entire frontage to West Terrace as required by Condition 13.
  - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - e) Repair of any damage to the public road including the footway occurring during development works.
  - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 23) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 10AH258- D001 to D0016, Rev – D prepared by Australian Consulting Engineers. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 24) 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.

- 25) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 26) 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.
- 27) An Acoustic Report, prepared by a suitably qualified acoustics consultant demonstrating that the proposed development can comply with the requirements of the State Rail Publication "Rail related Noise and Vibration Guidelines", shall be prepared and submitted to Council or the PCA prior to the release to the Construction Certificate. The Construction Certificate plans shall include all of the attenuation measures recommended in the Acoustics Report. The development shall be constructed to include all of the recommended attenuation measures and the acoustic consultant shall certify that all recommendations have been incorporated into the development prior to the issue of the Occupation Certificate.
- 28) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Part 2 of SEPP No. 65.
- 29) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

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

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.

- 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 \$25,000.
- 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 Councils Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.bankstown.nsw.gov.au](http://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) The development site is located adjacent to Council's drainage easement and is affected by flooding and shall comply with the following:
- a) The proposed building(s) including eaves and gutters 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 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. A copy of the approved details together with a report prepared by a registered surveyor showing location, size and depth of the stormwater system, shall be sent to Council for information.
  - c) The floor level of the proposed structure(s) adjacent to Council's drainage easement shall be constructed to minimum RL 19.6 m including free board as determined by the flood study. 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. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. 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.

- e) Boundary fencing across Council's drainage easement and overland flow path shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100 year A.R.I. storm. Louver type fences in accordance with Council's standard S-112A and S-112B shall be constructed for the full length along the rear boundary. All approved construction details shall be consistent with this requirement. A copy of the approved landscaping details shall be submitted to Council for information.
  - f) An unobstructed overland flowpath for excess stormwater runoff from Council's drainage system and upstream catchment shall be constructed and maintained along the northern boundary. 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 storm water drainage concept plan no: 10AH258- D001 to D0016, Rev – D prepared by Australian Consulting Engineers. All approved construction details shall be consistent with this requirement. A copy of the approved details shall be submitted to Council for information.
  - g) For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary, in accordance with the requirements contained in Council's Development Engineering Standards. 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. A copy of the approved details shall be submitted to Council for information.
- 32) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 33) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 34) Stormwater runoff from within the property shall be collected and controlled by means of an on-site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the north eastern corner of the site and from there to Council's storm water pipe within the proposed 3.0 metre wide easement.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development

Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan no: 10AH258- D001 to D0016, Rev – D prepared by Australian Consulting Engineers. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 35) 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 **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 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.
- 36) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 37) 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.
- 38) A minimum of four (4) of the residential units and associated parking spaces shall be designed to comply with the provisions of AS4299 – Adaptable Housing and AS1428.1 – Design for Access and Mobility with such details being incorporated in the Construction Certificate drawings.
- 39) Documentary evidence from the relevant public authorities (e.g. Sydney Water, Telstra etc.) 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.
- 40) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage. The blind aisle space shall be extended a minimum of 1m beyond the last parking spaces.
- 41) Disabled car parking spaces shall conform to Australian Standards AS2890.6:2009.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

- 42) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
  - b. the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building / subdivision work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and
    - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 43) 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.
- 44) 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.
- 45) 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.

- 46) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 47) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 48) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. 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 construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 49) 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.
- 50) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work 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 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.

- 51) 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.

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

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

- 53) 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.
- 54) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 55) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 56) 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.
- 57) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 58) If 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.
- 59) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a. protect and support the adjoining premises from possible damage from the excavation, and
  - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 60) A new 1.8m fence shall be erected along the side and rear boundaries of the subject allotment, where required, at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of masonry unless the type of material is stipulated in any flood study prepared for the site. The detail of the fence is to be determined in consultation with the adjoining property owners.

- 61) 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).
- 62) 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.
- 63) The development site is located adjacent to Council's drainage pipe and easements and 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.
- 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 occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 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) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.

- 68) Carparking for the development shall be provided as a minimum in the following manner in accordance with the submitted plans.
- 29 spaces for retail and commercial
  - 143 spaces for residential units @ 1 space for each unit
  - 28 spaces for residential visitors

The car parking spaces shall be allocated and marked according to these requirements.

- 69) 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.
- 70) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 71) Lighting must be provided to the entries of the building, 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.
- 72) 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.
- 73) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65.
- 74) Sites located adjacent to Council's drainage easement and/or sites affected by flooding shall comply with the following:
- a) A Work As Executed Plan 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 shall be obtained prior to issue of the certificate of occupation or occupation of the site.



- b) The Work As Executed information shall be shown on a copy of the approved plans and shall include construction information relating to the following:
  - (i) All relevant natural ground and finish ground levels within the flow path/floodway and relevant surrounding levels.
  - (ii) Determination and the extent of the 1 in 100 year water surface level in the floodway / flow path.

The above information together with the Engineer's certification shall be submitted to Council for information prior to issue of the occupation certificate or occupation of the site.

- c) An easement to drain water 3.0 m wide shall be created in favour of Council centrally over the proposed re-aligned alignment of the 900mm diameter storm water pipe within the site.
- d) A Restriction as to User under the provision of Section 88E of the Conveyancing Act shall be registered on the title of the subject property, requiring that:
  - (i) "A flow path for overland stormwater runoff from upstream properties and Council's Public Road shall be maintained within Council's drainage easement/constructed local overland flowpath boundaries."
  - (ii) "No trees or shrubs shall be planted within Council's drainage easement/ constructed local overland flow path boundaries."
  - (iii) "Changes to approved levels and/or the construction of walls and landscaping within Council's drainage easement/constructed local overland flow path boundaries is not permitted unless approved by Council".
  - (iv) "Any fencing constructed across the 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 shall be shown on the film plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the flow path/floodway shall be included on a site plan attached to the Section 88E instrument.

- e) Bankstown City Council shall be empowered to release, vary or modify such Restriction.
  - f) The Restriction and Positive Covenant shall be registered on title following satisfactory construction and certification of the overland flow path system and prior to issue of the Occupation Certificate or occupation of the site. Evidence of such registration shall be submitted to Council.
- 75) 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.

- 76) 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.

- 77) All redundant easements shall be extinguished prior to the issue of the Occupation Certificate or occupation of the site. All costs are to be borne by the developer.
- 78) Final registration of re-aligned stormwater drainage easement shall be finalised prior to the issue of the Occupation Certificate or occupation of the site.
- 79) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 80) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 81) 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.

## **END OF CONDITIONS**