

## **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-576/2015, submitted by Jensen Bowers, accompanied by Drawing No. DA 02.04, DA 02.05, DA 02.06, Revision F, dated 30/10/15; DA 03.01 and DA 03.02, Revision E, dated 30/10/15; DA 02.01, Revision C, dated 24/09/15; DA 02.07 and DA 04.01, Revision D, dated 24/09/15; DA 02.02 and DA 02.03, Revision B, dated 17.08.15; prepared by Marchese Partners, and affixed with Council's approval stamp, except where amended by the conditions contained in this approval.

## **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:*

- 3) 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.
- 4) 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 consider soil provisions for identified plantings, including minimum soil volume, soil depth and soil area generally consistent with the intent of the Residential Flat Design Code and shall identify landscape maintenance.

The Landscape Concept Plan, prepared by Tract, Drawing No. 0715-0100-00, Revision 03, Sheet 1 of 3, dated 23/09/2015 shall be modified in accordance with the following conditions:

- i. Removal of the *Cinnamomum camphora* (Camphor Laurel) located adjacent to 11 Leonard Street.
- ii. Provision of 6 x trees known to attain a minimum height of 15 metres at maturity within the Landscaped (deep soil planting) areas on the site.

- iii. The trees are to be planted so that they are no closer than 1.0 metre from any boundary, 3.5 metres from the external wall of a proposed dwelling and so that they are not in conflict with underground services.

The amended Landscape Plan shall be submitted to the principal certifying authority for final approval prior to the issue of the Construction Certificate.

- 5) Stormwater, sewer pipes and any underground services are to be located so they are not within the 9.6 metre tree protection zone (TPZ) of the *Corymbia maculata* (Spotted Gum) located in the SE corner of the adjacent site at 32-36 Stanley Street (tree closest to the boundary). If services must be within the TPZ they are to be installed using directional drilling or in manually excavated trenches. There shall be no services located within the 3m Structural root zone (SRZ).
- 6) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along both side boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line on both street frontages shall be no higher than 1m unless otherwise approved by Council.
- 7) 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 and in accordance with **Condition 4(i)**. 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.
- 8) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines, Council's Development Engineering Standards and '*Managing Urban Stormwater: Soils and Construction*' (Landcom, 2004), and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 9) 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.

- 10) 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.
- 11) 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.
- 12) 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 \$414,065.36 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.

- 13) 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.
- 14) 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) One (1) heavy duty VFC of a maximum width of 7.0 metres at the property boundary on Leonard Street and two (2) medium duty VFCs of a maximum width of 3.0 metres for garbage collection at Restwell Street and Leonard Street (one on each frontage).
  - b) Drainage connection through underground on-site detention tanks discharging to Council's system.
  - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - d) Repair of any damage to the public road including the footway occurring during development works.

- e) 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.

- 15) 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. P2174, Sheet No. SW-01, SW-02, SW-03 and SW-04, Rev A, prepared by MYD Consulting Engineers Pty Ltd, as amended by the approved architectural plans. 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.
- 16) 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 Schedule 1 of SEPP No. 65.
- 17) 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.

- 18) 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.

- 19) 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.
- 20) The development, which contains 156 residential units, requires allocation of waste and recycling bins based on 120L/unit/week for both services across 3 waste collection areas.

The waste storage areas shall be designed to accommodate the following:

**Area 1 – Restwell side (servicing 53 units)**

Ground floor waste room:

- 3 x 1100L bulk waste bins collected twice weekly + 1 x 1100L to remain under chute
- 5 x 1100L recycling bins collected weekly

Floor waste areas:

- 2 x 240L recycling bins per floor (=12 bins). 1 bin should remain in the cupboard while the other is being rotated.

**Area 2 – middle (servicing 47 units)**

Ground floor waste room:

- 3 x 1100L bulk waste bins collected twice weekly + 1 x 1100L to remain under chute
- 5 x 1100L recycling bins collected weekly

Floor waste areas:

- 2 x 240L recycling bins per floor (=12 bins). 1 bin should remain in the cupboard while the other is being rotated.

**Area 3 – Leonard side (servicing 56 units)**

Ground floor waste room:

- 4 x 1100L bulk waste bins collected twice weekly + 1 x 1100L to remain under chute
- 7 x 1100L recycling bins collected weekly

Floor waste areas:

- 2 x 240L recycling bins per floor (=14 bins). 1 bin should remain in the cupboard while the other is being rotated.

**All areas**

Bin rooms shall be designed to fit these bins side-by-side:

Bin Type	Height	Width	Depth
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1100 litres	1460mm	1370mm	1230mm
240 Litres	1080mm	585mm	735mm

**Collection point – Restwell St (for Restwell and Middle bins)**

The storage area shall be adequately sized for the 16 x 1100L bins requiring servicing per week, including:

- 6 x 1100L bulk waste bins collected twice weekly
- 10 x 1100L recycling bins collected weekly

**Collection point – Leonard St (for Leonard bins only)**

The storage area shall be adequate sized for the 11 x 1100L bins requiring servicing per week, including:

- 4 x 1100L bulk waste bins collected twice weekly
- 7 x 1100L recycling bins collected weekly

**Both**

The storage areas must be designed to ensure they can be unlocked and accessible to Council on collection days.

- 21) 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 2890.2002 for heavy vehicle usage.
- 22) Pedestrian access shall be designed in accordance with the accessibility standard set out in AS 1428 (Parts 1 and 2).
- 23) A Construction Environmental Management Plan, incorporating a Water Management Plan and Acid Sulfate Soil Management Plan shall be approved by Council prior to the issue of a Construction Certificate.
- 24) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be approved by Council prior to the issue of a Construction Certificate.
- 25) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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

This plan shall include details of the following:

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

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

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 26) 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 ie Hoardings, Work Zones etc.

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

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

- 27) 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.
- 28) 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.
- 29) Documentary evidence of Sydney Water's approval for any proposed connection to its drainage system (if required) must be submitted to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. All conditions imposed by Sydney Water shall be strictly complied with and incorporated into the approved drainage plan.
- 30) 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 a new kerb inlet pit and an existing kerb inlet pit located along the Restwell Street frontage of the site.

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. P2174, Sheet No. SW-01, SW-02, SW-03 and SW-04, Rev A, prepared by MYD Consulting Engineers Pty Ltd. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 31) 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.
- 32) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 33) The 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.
- 34) Road Damage:
  - a) The cost of repairing any damage caused to the Council's road related assets in the vicinity of the subject site and along the approved transport route as a result of excavation/hauling of excavated material/demolition/construction works associated with the approved development, is to be met in full, by the developer.
  - b) Council will undertake the repairs of any such damages caused to the Council's road related assets and forward invoices to be settled in full by the developer.
  - c) The developer shall not allow the site to be occupied until such time as the Council has inspected any works within the Road Reserve and found them to be to the Council's written satisfaction.
- 35) Due to the mechanical equipment on site not being finalised during the Construction Certificate Stage a detailed noise assessment of all

mechanical plant and equipment shall be conducted and report submitted to Council to ensure compliance with the EPA and DCP noise criteria as stated in Section 3.3 Mechanical Services of Acoustic Report No. APR15052-B.1, dated 29/5/15.

- 36) To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These systems shall be designed in accordance with the provisions of:-
  - a) The Building Code of Australia;
  - b) Australian Standard AS 1668 Part 1 - 1998;
  - c) Australian Standard AS 1668 Part 2 - 2002;
  - d) The Public Health Act 2010;
  - e) The Public Health Regulation 2012;
  - f) Australian Standard 3666.1 - 2002;
  - g) Australian Standard 3666.2 - 2002;
  - h) Australian Standard 3666.3 - 2000.
- 37) The construction certificate plans shall include details of all mechanical and/or natural ventilation systems, along with specific certification, provided by an appropriately qualified person, verifying compliance with the above mentioned requirements, and shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a Construction Certificate.
- 38) The Acoustic Assessment, report no. APR15052-B.1, prepared by Air Labs Environmental Acoustic, dated 29 May 2015 for proposed residential development at 74-80 Restwell Street and 1-9 Leonard Street, Bankstown and the recommendations stated in Section 3 of the report form part of the development consent.
- 39) All remediation works carried out on site shall be in accordance with the recommendations outlined in the Remediation Action Plan Project ID: E28298KBrpt3-RAP, dated 25 November 2015. Council must be informed in writing of any variation to the proposed remediation works.
- 40) All fill removed from the property shall be classified in accordance with the NSW EPA Waste Classification Guidelines 2009 and be disposed of to an appropriate EPA licensed waste facility.
- 41) Upon completion of remediation works and prior to the issue of a Construction Certificate, a Validation Report must be provided and be prepared by an appropriately qualified and experienced environmental consultant. This report will need to include a Clearance Certificate prepared by an Occupational Hygienist and must comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000.' This report must outline that the required remediation work has been completed and that the site is suitable for the proposed land use.

- 42) Any fill imported on to the site shall be classified/validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant EPA Guidelines. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- 43) All site remediation works shall comply with the work health and safety requirements of the NSW WorkCover Authority.
- 44) The Asbestos Management Plan (AMP) submitted in support of this application, prepared by EIS Environmental Investigation Services Project ID: E2928KBrpt 4AMP, dated 25 November 2015, and the AMP recommendations stated in this report form part of the development consent.
- 45) A long term Groundwater Management Plan (GMP) in areas where long term, management of residual groundwater contamination is required to be submitted to Council. The recommendations of the long term Groundwater Management Plan may form part of this development consent.

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

- 46) Prior to the commencement of works, dilapidation reports shall be prepared by the developer for Nos. 26 Stanley Street, 11 Leonard Street and 82 Restwell Street and a copy provided to directly adjoining property owner(s). The reports must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site and completed prior to the issue of an Occupation Certificate.
- 47) 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.
- 48) 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.
- 49) Trees to be retained and protected

The following trees are to be retained and protected as per the conditions below. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution.

Species	Location	Protection Measures
<i>Corymbia maculata</i> (Spotted Gum)	SE corner of the adjacent site at 32-36 Stanley Street, tree closet to the boundary	<p>*TPZ (9.6 Metres), *SRZ (3.0 metres)</p> <p>*A fenced tree protection area of 5.0 metres from the middle of the trunk and it intrudes into the subject site shall be installed as per the conditions below.</p> <p>All underground services are to be located so they are not located within the 9.6 metre tree protection zone (TPZ).</p> <p>If services must be installed within the TPZ they are to be installed using directional drilling or in manually excavated trenches.</p>

		There shall be no services located within the 3m Structural root zone (SRZ).  (NB: The second <i>Corymbia maculata</i> (Spotted Gum) located on the neighbouring site at 32-36 Stanley Street shall also be protected by the tree protection measures imposed above).
<i>Callistemon viminalis</i> (Bottlebrush)	Street trees, forward of the property lines of 1, 3, 5, & 7 Leonard Street	* A fenced tree protection area of 2.5 metres from the middle of the trunk and as bounded by the council footpath and kerb shall be installed as per the conditions below.

\* TPZ (Tree Protection Zone) and SRZ (Structural Root Zone) in metres measured from the centre of the trunk of the tree.

Tree protection measures shall comply with *Australian Standard AS4970-2009 Protection of trees on development sites*, together with the following conditions:

- a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) and the fenced tree protection area shall be marked on all demolition and construction drawings.
- b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- c) A 1.8m chain link wire fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites and to the dimensions detailed above shall be erected around the above trees to be retained and protected during all approved works. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.
- d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing clearly showing:
  - i. The Development Consent number
  - ii. The name and contact number of the nominated consultant arborist or site manager;
  - iii. Indication that access into the Tree Protection zone is not permitted.
- e) The above notice is to be in place prior to commencement of demolition or construction.
- f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the

appropriate dimensions and provide effective protection for the tree to be retained.

- g) The fenced tree protection area shall be maintained as per AS4970 - 2009, Section 4.6. Access to the fenced tree protection area is permitted to undertake necessary maintenance such as mowing, watering, weed control
- h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced tree protection area.
- i) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- j) Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- k) If any tree roots are exposed during any approved works then roots smaller than 50mm are to be pruned. They shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). Any roots greater than 50mm are to be assessed by a qualified arborist before any pruning is undertaken. If required, changes in design may need to be considered.

50) Trees to be removed

All tree removal works must comply with the *Amenity Tree Industry – Code of Practice, 1998* (Workcover, NSW).

51) Tree Removal: Nature Strip / Council Reserve

Approval is granted for the removal of the following trees:

Species	Location
<i>Callistemon viminalis</i> (Bottlebrush)	Council naturestrip, forward of the property line of 9 Leonard Street

The tree removal works are subject to the following conditions:

- a) All tree removal works must be carried out by a qualified arborist with a minimum of AQF (Australian Qualification Framework) Certificate III in Arboriculture;
- b) 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;
- c) The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- d) The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.

- e) All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level
- f) The site must be maintained in a safe condition at all times;
- g) 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.

- 52) Suitable erosion and sediment control and environmental measures shall be erected/implemented in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 53) 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.
- 54) 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.
- 55) 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.

- 56) 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.

- 57) 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.

- 58) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 59) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a. in the case of work for which a principal certifying is required to be appointed:
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
  - b. in the case of work to be done by an owner-builder:
    - i. the name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 60) 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.

- 61) 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 DURING CONSTRUCTION**

- 62) 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.
- 63) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 64) Prior to the basement and all ground floor slabs 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.
- 65) 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.
- 66) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 67) 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.
- 68) 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.
- 69) All side boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated

in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line on both street frontages shall be no higher than 1m unless otherwise approved by Council.

- 70) 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).
- 71) 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.
- 72) The wastewater from the car wash bay shall be collected and disposed of, in accordance with the requirements contained in Council's Development Engineering Standards.
- 73) 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 and/or owner, which is agreed to by Council, prior to the re-commencement of works.

- 74) Prior to the commissioning of the mechanical equipment and prior to the issue of an occupation certificate, a detailed design noise impact assessment shall be undertaken to Council's satisfaction to demonstrate that noise from all mechanical plant (e.g. heating, ventilation, air conditioning units, security gates etc) complies with the noise limits presented in the Acoustic Assessment, report no. APR15052-B.1, prepared by Air Labs Environmental Acoustic, dated 29 May 2015. The assessment should also include any other noise generating items associated with the development, such as operational traffic generated from the development.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 75) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 76) 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.

77) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.

78) 221 off street car spaces being provided in accordance with the submitted plans. This shall comprise:

- 190 residential spaces
- 31 visitor spaces

6 of the above car parking spaces (i.e. 5 residential spaces and 1 visitor space) are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

79) 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.

80) Replacement Trees: On-Site

- a) In line with Council's policy to maintain and increase tree cover in the Council area, the applicant is to plant a minimum of 6 replacement trees as outlined below:
  - i. Removal of the *Cinnamomum camphora* (Camphor Laurel) located adjacent to 11 Leonard Street
  - ii. Provision of 6 x trees known to attain a minimum height of 15 metres at maturity within the Landscaped (deep soil planting) areas on the site.
  - iii. The trees are to be planted so that they are no closer than 1.0 metre from any boundary, 3.5 metres from the external wall of a proposed dwelling and so that they are not in conflict with underground services.
- b) Replacement trees are to be a minimum container size of 75 litres. They shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
- c) Tree species used are not to include any of the exempted plant species listed under clause 2.7 of Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order.
- d) The trees are to be planted no closer than 3.5 metres from the wall of any approved dwelling on the property. Trees/shrubs proposed for planting along the rear boundaries shall be located no closer than 1.0 metres from the rear boundary.
- e) All new plantings shall be located so future growth will not be in conflict with electricity wires. Consideration should be given to the location of new electricity poles and wires so that sufficient space is provided.

- f) The replacement trees are to be planted prior to the issue of an occupation certificate.
- g) The replacement trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order.
- h) If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order; the tree/s shall be replaced with the same species at no cost to Council.

81) Replacement Trees: Footpath

The applicant is to plant the following replacement tree/s on the nature strip forward of the property. The tree/s shall have a container size not less than 75/100/200 litres, shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality* (2003) or *Australian Standard AS 2303– 2015 Tree stock for landscape use*, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201 or S-202: (use relevant spec)

Species	Location
Waterhousia floribunda 'Green Avenue' (Weeping Lilli Pilli)	As shown the Landscape Concept Plan, prepared by Tract, Drawing No. 0715-0100-00, Revision 03, Sheet 1 of 3, dated 23/09/2015

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

- a) Carry out engineering works to protect those services from damage; or
- b) Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
- c) Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The tree/s shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

- 82) 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.
- 83) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and

during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

- 84) 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.
- 85) 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.
- 86) 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.

- 87) 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.

- 88) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 89) 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.
- 90) Prior to the issue of an Occupation Certificate, **Condition No. 46** shall be satisfied with respect to the completion of any required rectification works.
- 91) The development shall make provisions for the following safety and security measures:
  - Implementation of 'swipe' cards or key FOB's, to increase resident and occupant security when entering the premises and underground parking;
  - Letterboxes owned by residents and business occupants, to be key lockable;
  - CCTV surveillance be installed at key entry/exit points of the premises, including driveways and coverage of letterboxes;
  - Signage displayed at key entry/exit points and mailboxes, warning of surveillance measures.

## **USE OF THE DEVELOPMENT**

- 92) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997.
- 93) The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.