



Land and Environment Court New South Wales

Case Name: Hunt Lane Pty Ltd v Canterbury-Bankstown Council

Medium Neutral Citation: **[2018] NSWLEC 1001**

Hearing Date(s): 17 and 18 October, 9, 27 and 30 November, and 14 December 2017

Date of Orders: 4 January 2018

Date of Decision: 4 January 2018

Jurisdiction: Class 1

Before: Smithson C

Decision:

1. The appeals are upheld.
2. Development applications 594/2016 and 595/2016, as amended, for mixed use developments over various lots in Canterbury Road, Lakemba are approved subject to the conditions set out in Annexures "A" and "B" respectively.
3. The applicant is to pay the respondent's reasonable costs under s.97B of the Environmental Planning and Assessment Act 1979 for assessment of the amendments to the applications, as agreed or assessed.
4. The exhibits, other than Exhibits 2, 3, J and K, are returned.

Catchwords: DEVELOPMENT APPLICATION: Adjoining mixed use developments in same ownership separated by Council land used for drainage; site isolation; height and number of storeys; overdevelopment; bulk and scale; character; setbacks and building separation; design quality; traffic and parking

Legislation Cited: Environmental Planning and Assessment Act 1979
Land and Environment Court Act 1979
Canterbury Local Environmental Plan 2012
State Environmental Planning Policy 65

Texts Cited:	Canterbury Development Control Plan 2012 Apartment Design Guide
Category:	Principal judgment
Parties:	Hunt Lane Pty Ltd (Applicant) Canterbury-Bankstown Council (Respondent)
Representation:	Counsel: Ms Duggan, SC (Applicant) Mr Seton (Respondent) Solicitors: Conomos Legal (Applicant) Marsdens Law Group (Respondent)
File Number(s):	2017/39266 and 2017/39296
Publication Restriction:	No

JUDGMENT

- 1 **COMMISSIONER:** Two appeals by the applicant were lodged under section 97(1)(b) of the *Environmental Planning and Assessment Act 1979* (the Act) against the deemed refusal by Canterbury-Bankstown Council (the Council) of development applications 594/2016 and 595/2016 (the applications).
- 2 The first application (594/2016), referred to as 'the mid-block development', is for the majority of the site which collectively comprises 22 essentially adjoining lots, being Lots 51 to 72 in DP 12455. The development has a street address of 821-855 Canterbury Road, Lakemba.
- 3 The second application (595/2016), referred to as 'the corner development', is for the balance of the site to the corner of Chapel Street, being properties known as 813-819 Canterbury Road, Lakemba.
- 4 The two proposed developments, and therefore the site, are separated by a parcel of land in the ownership of the Council, being Lot 294, totalling some 171m² in area and known as 819A Canterbury Road (the Council land). The Council land is used for drainage purposes and contains a pipeline 1.2m wide and 600mm high. There is an existing warehouse building which partly straddles the site and the Council land. However, the Council was not a party to either application with Lot 294 not included as part of the site.
- 5 The mid-block development, as amended prior to the hearing, proposed the demolition of all existing structures, consolidation of lots, and construction of a six storey mixed use development comprising three towers. The towers contained 6 commercial premises at ground level, 123 apartments and 3 levels of basement parking for 238 cars accessed off Hunt Lane. Landscaping and tree removal were also proposed. The application as lodged and originally notified was for a seven storey mixed use development with 150 apartments.
- 6 The corner development, as amended prior to the hearing, proposed demolition of all existing structures, consolidation of lots, and construction of a six storey mixed use development comprising a tower containing a commercial

premises at the ground floor, 26 apartments and 3 levels of basement parking for 51 cars accessed off Hunt Lane. Landscaping was also proposed. The application as lodged and originally notified was for an eight storey mixed use development with 41 apartments.

- 7 The applications were each accompanied by an offer of a Voluntary Planning Agreement (VPA), proposed by the applicant under s 93F of the Act. The offer proposed in each VPA was to embellish Hunt Park and provide a pathway and landscaping over the Council land (Lot 294) in return for additional floor levels for each development.
- 8 The South Sydney Joint Regional Planning Panel was identified as the determining authority for the applications pursuant to Schedule 4A of the Act given the Council owned land on which works were proposed (demolition) and given the Capital Investment Values of the developments.
- 9 The issues contended by the Council as grounds for refusal were largely the same for both applications. Both developments exceeded the 18m height limit being up to 21.5m which was considered out of character with the area with avoidable bulk, scale and streetscape character impacts. The written requests lodged under clause 4.6 of the LEP were not considered adequate justification for the height exceedences sought with the Council arguing that it was in the public interest to maintain the height control.
- 10 Concerns were also raised in terms of the proposed setbacks to Canterbury Road, Hunt Lane and Hunt Park, and to residential development in the nearby R3 zones fronting Hunt Lane and Chapel Street. Building separation between the two developments and the impact on the intervening Council land was also raised as a concern.
- 11 The Council also contended that the developments would have a significant detrimental impact on traffic circulation in the area particularly on Hunt Lane and Chapel Street.

- 12 Finally, the Council contended that the developments would isolate the Council land (Lot 294) preventing that land being developed in the future. Construction and maintenance impacts on the pipeline situated within this land were also of concern. Furthermore, the Council had not given consent to the proposed demolition of the existing building partially located on the Council land.
- 13 For these reasons, approval of the applications was opposed as it would set an undesirable precedent and was not considered to be in the public interest.
- 14 In terms of the mid-block development, additional specific design concerns included joint entrances to commercial and residential areas, ground level commercial spaces below street level, excessive length of the building to both Canterbury Road and Hunt Lane, inadequate natural cross ventilation and over-reliance on a light well to provide adequate solar access to one of the towers. Design concerns were also raised in terms of meeting the principles of the *Apartment Design Guide* (ADG) and the requirements of *State Environmental Planning Policy 65* (SEPP65) given the proposed setbacks, building separation and streetscape presentation. The resultant amenity impacts for residents and neighbours were those associated with solar access and overshadowing. Secondary concerns were the adequacy of open space areas, the proposed waste management, and required flood planning levels.
- 15 In terms of the corner development, additional specific design concerns included the reliance on opaque windows and privacy screens to minimise privacy impacts, inadequate setbacks to Chapel Street and lower scale residential properties in Chapel Street (and inadequate interface with and transition to these properties), and inadequate street frontage width with the DCP requiring a minimum of 30m but only 22.86m provided. Similar design issues to those raised for the mid-block development were cited including inadequate solar access, potential overshadowing of neighbours, inadequate separation of residential and commercial spaces, below street level commercial tenancies, and concerns with waste management and flood level compliance. Finally, there was concern about the useability of the communal open space.

Planning context

- 16 The total site is regular in shape with a 102.13m frontage to Canterbury Road, a 102.13m rear frontage to Hunt Lane, and eastern and western boundaries of 38.10m. It is situated on the north western corner of Canterbury Road and Chapel Street, has a total area of 3,891.5m² and is generally level.
- 17 The site is zoned B5 - Business Development under the provisions of the *Canterbury Local Environmental Plan 2012* (the LEP). Development for residential accommodation is permissible on the site under Schedule 1 of the LEP but only as part of a mixed use development.
- 18 North of the site, on the opposite side of Hunt Lane, is Hunt Park and a row of single and two storey dwellings situated in an R3 Medium Density Residential zone. There is also an R3 zone east of the site (east of Chapel Street) whilst other properties adjoining and opposite in Canterbury Road are zoned B5.
- 19 The objectives for development in the B5 zone under the LEP are:
 - To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
 - To provide for residential use in conjunction with mixed use development to create an attractive streetscape supported by buildings with a high standard of design.
 - To support urban renewal that encourages an increased use of public transport, walking and cycling.
 - To encourage employment opportunities on Canterbury Road and in accessible locations.
- 20 There are no floor space ratio controls which apply to the site under the LEP but there is a maximum height limit of 18 metres. Clause 4.3 of the LEP contains the following objectives in terms of the height of buildings:
 - (a) to establish and maintain the desirable attributes and character of an area,
 - (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,

(c) to support building design that contributes positively to the streetscape and visual amenity of an area,

(d) to reinforce important road frontages in specific localities.

- 21 Variations to the maximum permissible height can be granted providing the provisions of LEP cl 4.6 are met. Clause 4.6 enables flexibility to vary the standard providing a written request is lodged justifying the variation and the consent authority determines that maintaining the standard is found, in the circumstances, to be unnecessary or unreasonable and not in the public interest as the objectives of the zone and the standard are nevertheless met.
- 22 The applications were also subject to assessment under the *Canterbury Development Control Plan 2012* (the DCP) which contains a number of provisions to control the development of land.

Background to the appeals

- 23 The two applications initially proposed developments of a greater height, bulk, scale and density than those the subject of the hearing. These original applications were notified together.
- 24 In response, four submissions were received and a petition lodged against the mid-block development. Concerns were with the overdevelopment of the site, traffic congestion, overshadowing, privacy impacts, height, parking, and tree removal. In response to the corner development, three submissions and a petition were received raising similar concerns but also noise and adverse impact on property values.
- 25 In February 2017, the two appeals were filed with the Court against Council's deemed refusal of the applications.
- 26 Conciliation was not undertaken and the appeals were set down for hearing to commence on October 17, 2017. On 27 July, 2017, the applicant was granted leave to amend both applications and to rely on the amended plans and documentation. The amended applications were notified and two objections were received in response to each application.

Resident Objections

- 27 The hearing commenced on site and the Court heard from five objectors from surrounding streets being residents of Wilson Avenue, Reginald Avenue and Chalmers Street.
- 28 Issues raised by the objectors onsite and in submissions were in essence against the form of development now permissible on the site and in this area of Canterbury Road since the area was rezoned in 2012. Concerns were in terms of the impact on the community, local character, local infrastructure, land values, safety for children, traffic and access, as well as the lack of onstreet parking. There was also a concern that cl 4.6 had been regularly used to allow higher development than the maximum 18m permissible in the zone.
- 29 Specific concerns common to both developments were in terms of: the height exceedences and use of cl 4.6; density; façade treatments; amenity impacts (including noise and overshadowing as well as overlooking from balconies, windows and the roof terraces); loss of trees and lack of green space; lack of demand for the commercial tenancies; limited capacity of Hunt Lane and the Canterbury Road/Chapel Street intersection; demolition and construction impacts; and potential changes to Hunt Park. The developments were seen to be overdevelopment on a busy thoroughfare.
- 30 One objector contended that the State Government was introducing a new building code for high rise development around railway stations which could result in development being limited to 4 storeys. He suggested that the determination of the applications should be deferred pending consideration of how such a policy may impact future development in the area.

Amendments to the applications

- 31 Experts were appointed and conferred in response to the contentions raised. As a consequence, further modifications were undertaken to the applications and, at the commencement of the hearing, the Court was advised that a

number of contentions were no longer pressed on the basis of these amendments, additional documentation or proposed conditions of consent.

- 32 The amendments reduced the number of storeys (therefore the height), the number of apartments and the commercial floor space, thus also reducing traffic generation. The experts also agreed that the updated cl 4.6 requests justified the minor height and storey non-compliances.
- 33 For both developments, the proposed amendments addressed the Council's requirements in terms of waste, traffic and other engineering matters, in particular with flood planning floor levels, provision of onsite stormwater detention, appropriate waste facilities, consolidated parking and access arrangements. This included treatments to Hunt Lane, namely its widening and the installation of a pathway, as well as parking controls for Chapel Street.
- 34 The amendments also addressed separation between the developments (subject to no development on the Council land), setbacks to Chapel Street and Canterbury Road, the amenity of the proposed communal open space, solar access, cross ventilation, and the design of below ground tenancies, including access to them.
- 35 The amended plans also resolved concerns with the mid-block development in terms of its length and reliance on a light well, as well as deep soil and landscaping provision.
- 36 The only remaining contentions were in terms of the proposed setbacks to Hunt Lane and the R3 residential zone (including transitioning to properties in the R3 zone) and the precedent and public interest implications, as well as the isolation of the Council land and the required owner's consent for the proposed demolition over this land. For the corner development, concern also remained with the width of the development site.
- 37 After hearing from objectors, viewing the site and surrounds, and hearing opening submissions on both appeals, I adjourned the hearing on the basis

that the applications needed to address the Council land which separated the two developments and which the Council argued would be isolated by them.

- 38 In addressing the issues associated with the future use of the Council land, the parties advised the Court that all remaining issues contended by the Council could likely be resolved subject to further modifications to the developments. The hearing was adjourned and reconvened over a period of two months to enable the required modifications to be agreed between the parties.
- 39 In December, 2017 the hearing concluded as the parties advised the Court that all contended matters had been resolved to the satisfaction of the Council by further amendments to both applications or by proposed conditions of consent. Leave was sought and granted to amended plans and an updated joint report of the planning experts was filed advising how the Council contentions, and issues raised by objectors, had been resolved.
- 40 Critical to the Council no longer opposing the applications was the inclusion of the Council land (Lot 294) into the corner development. This resolved the Council and Court concerns relating to site isolation and separation between the developments.
- 41 The Council land is now proposed to retain a drainage function whilst being landscaped communal open space accessible from both of the proposed adjacent developments.
- 42 The design issues associated with the drainage function are proposed to be resolved by deferred conditions of consent for both applications which require details on the removal of the pipe and construction of a replacement culvert prior to the consents becoming operational.
- 43 A deferred commencement condition is also proposed on the corner development (DA/595/2016), which now incorporates the Council land, requiring a green wall with ground level planting to be incorporated into the façade of the land as viewed from Canterbury Road and as requested by the Council's experts.

- 44 For the mid-block development, the number of apartments was reduced to 97 and the number of parking bays to 199. For the corner development, the number of apartments was reduced to 23 and the number of parking bays to 47. The number of parking bays proposed in both applications will exceed the amount required by the DCP. In addition, car wash bays and loading bays are also provided.
- 45 Other modifications undertaken included removal of the roof terraces to both developments making the developments generally compliant with the height standard. The experts considered that the removal of the roof terraces (proposed as communal open space) would be acceptable given the developments are situated within a high density area. Under the ADG, a variation to the communal open space provision is acceptable where sites are in good proximity to public open space. Given Hunt Park is directly opposite the site, and is an extensive area of public open space, the experts considered that the park, as well as the provision of communal open space on the ground floor levels facing Hunt Lane, provided sufficient communal open space. They also noted that the removal of a loading dock off Hunt Lane, and the utilisation of this space with the Council land, provided additional communal open space.
- 46 To resolve the separation issues along Hunt Lane, the setbacks to Hunt Lane were amended for the corner development to be 12m up to 4 storeys and 15m for the fifth storey (12m to the edge of the balcony)
- 47 For the mid-block development, the following setbacks to Hunt Lane were agreed by the experts:

Mid-Block	Setbacks
Block A	12m up to 4 storeys and 15m for the fifth storey to the main building (12m to edge of balcony).
Block B	9m up to the fifth storey.
Block C	9m up to the fifth storey.
Block D	12m up to 4 storeys and 15m for the fifth storey to the main building (12m to edge of balcony).

Note: Measured from the northern side of the laneway boundary.

- 48 Subject to agreed conditions requiring a one metre deep planter to be provided to the entire balcony edge to specific apartments in order to soften the edge and remove overlooking, the experts agreed that these proposed amended setbacks would offer a satisfactory transition to adjoining residential development and to the lane.
- 49 Conditions were also proposed to deal with a number of issues raised by objectors including requiring acoustic and air quality assessment reports which recommend measures to ameliorate air pollution and mitigate noise impacts, as well as a structural engineering plan outlining the proposed method of shoring during construction. There is a specific requirement to address the structural adequacy of 819A and 857-875 Canterbury Road. Waste management plans and controls on demolition are also required along with a construction traffic management plan. Communal areas are to be managed to restrict patron numbers and hours of use.
- 50 In addition, there is a proposed condition requiring dedication to the Council (free of cost) of part of the site to enable a one metre widening of Hunt Lane, its reconstruction, and construction of a footpath along its southern boundary.
- 51 Critical to the Court was that the Council land had been appropriately addressed rather than remaining as a sliver of land between two multi storey developments and not incorporated into either development.
- 52 It therefore only required for me to be satisfied as to the acceptability of the modified applications and in particular that due regard has been had to the issues raised by objectors.
- 53 Whilst the Council did not oppose approval to the applications as amended, costs were sought under s 97B of the Act on the basis that the amendments undertaken to the applications were not minor.

Findings

- 54 The applications before the Court on the final hearing date were substantially modified to those which had been lodged, advertised and opposed by local residents and the Council. In particular, the developments evolved in collaboration between the applicant and the Council with the assistance of a number of experts.
- 55 The Court required that the applications address the future use and development of the Council land located between them. Accordingly, the applications were modified to incorporate this land into the corner development retaining the drainage function of the land whilst enabling it to be enhanced with landscaping works as an additional area of open space for residents.
- 56 In addition, there were further modifications to the height of the developments which resulted in only minor height breaches which were justified in updated cl 4.6 requests. The loss of storeys from the original applications also resulted in reduced density with a significant reduction in the number of apartments, from 191 overall at lodgement to 120 in the final amended plans. There was also a reduction in commercial floor space and a resultant reduction in parking. As a consequence there will be reduced traffic.
- 57 I am satisfied, on the basis of the amended plans, that the applications as amended will have acceptable amenity impacts including acceptable overshadowing. The revised setbacks will provide an appropriate transition to adjoining residential dwellings and the deletion of the rooftop terraces and the provision of privacy screens will remove the overlooking concerns of neighbours and reduce noise emanating from the developments.
- 58 Resident concerns with the use of Hunt Lane and Chapel Street will be addressed, to the extent reasonable given the permissible development on the site, with the widening of Hunt Lane and provision of a footpath in it. There will also be restrictions imposed on the use of Chapel Street between the lane and Canterbury Road and onsite parking is provided in excess of Council requirements.

- 59 With the amended plans and the imposition of the conditions as proposed by the parties, the experts were of the view that the Court should be satisfied that there are no remaining grounds to refuse the applications, and that the developments are an appropriate response to the planning controls and the site context. I agree with this assessment.
- 60 I also note that conditions are agreed which deal with construction impacts to neighbouring buildings, acoustic impacts and air quality. There are also restricted hours and numbers for use of communal open space areas and appropriate communal open space and landscaping provided.
- 61 It is also the case that many of the resident concerns relate to the form, height and density of development now permissible in this section of Canterbury Road rather than with the individual developments proposed. Given the proposed developments in essence comply with those controls, and with the zone objectives, there is no substantive basis for the Court refusing the applications or deferring their determination.
- 62 On the basis of the extensive modifications undertaken to address objector concerns and the relevant controls applying to the site, the appeals are upheld and the development applications, as amended, conditionally approved.

Orders

- 63 The orders of the Court are:
- (1) The appeals are upheld.
 - (2) Development applications 594/2016 and 595/2016 for mixed use developments over various lots in Canterbury Road, Lakemba are approved subject to the conditions set out in Annexures "A" and "B" respectively.
 - (3) The applicant is to pay the respondent's reasonable costs under s.97B of the Environmental Planning and Assessment Act 1979 for assessment of the amendments to the applications, as agreed or assessed.

(4) The exhibits, other than Exhibits 2, 3, J and K, are returned.

Jenny Smithson

Commissioner of the Court

Annexure 'A'

Conditions of Consent

DA-594/2016

PART A – DEFERRED COMMENCEMENT CONSENT

- A. This is a “Deferred Commencement” consent that is granted subject to a condition under section 80(3) of the Environmental Planning and Assessment Act 1979 (“EP&A Act”) that the consent is not to operate until the person with the benefit of this development consent satisfies Canterbury Bankstown Council (“Council”) as to the matters set out in Part A below. The period within which the person with the benefit of this consent must produce evidence to the Council sufficient enough to enable it to be satisfied as to those matters is 12 months.
1. Engineering details in relation to the removal of the pipe and construction of the culvert on Lot 294 DP12455 must be submitted to the satisfaction Council.

PART B – CONDITIONS OF APPROVAL

- B. The following conditions of consent will be included in the development consent issued by Council after the person with the benefit of this development consent provides information to satisfy Council in relation to the conditions of the deferred commencement consent:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
- 1.1. Details of:
- Acoustic Assessment Report;
 - Air Quality Assessment Report;
 - Certificate number: 869601M_03;
 - Building Specifications
 - Detailed Site Investigation
 - Fire Safety Schedule
 - Firewall Separation
 - Geotechnical Investigation Report
 - Hydraulic Plan
 - Landscape Plan
 - Remedial Action Plan
 - Soil and Waste Management Plan
 - Statement for Compliance Access for People with a Disability Report
 - Structural Engineering Plan including method of shoring during excavation
 - Ventilation of basement carpark
 - Waste Management Plan
- 1.2. A Report prepared by an independent, accredited engineer, detailing the structural adequacy of the adjoining properties at No. 857-875 Canterbury Road, Lakemba and their ability to withstand the proposed excavation and

any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to council, or the Principal Certifying Authority with the Construction Certificate. All costs are to be borne by the person with the benefit of this consent.

- 1.3. Confirmation of the payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.4. Confirmation of the payment to Council of:

Section 94 Development Contributions	\$1,298,533.95
Certificate Registration Fee	\$36.00

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury Bankstown Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days' notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
3. 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. A layout plan of pavement is 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.cbcity.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.

SITE SIGNAGE

4. A sign shall be erected at all times on the building site while building work is carried out in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
 - 5.1. Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - 5.2. The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - 5.3. Demolition is to be carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - 5.4. A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - 5.5. Demolition of buildings is only permitted during the following hours:
 - 7.00 a.m. – 5.00 p.m. Mondays to Fridays
 - 7.00 a.m. – 12.00 noon SaturdaysNo demolition is to be carried out on Sundays or Public Holidays.
 - 5.6. Burning of demolished building materials is prohibited.
 - 5.7. Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - 5.8. Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - 5.9. Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - 5.10. The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - 5.11. During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and the sign contain all relevant details of the responsible person/company including a contact number outside working hours.
 - 5.12. A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
 - 5.13. Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the Building Code of Australia.
 - 5.14. Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. **Note:** For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
 - 5.15. Hazardous dust must not escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
 - 5.16. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is

to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- 5.17. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works, the developer or demolition contractor must notify adjoining residents of the asbestos removal works. Notification is to include at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact number telephone number of the demolisher, contractor and or developer.
- The full name and license number of the asbestos removalist; and
- The telephone number of the WorkCover Hotline 13 10 50
- Warning signs must be placed so as to inform all people in the nearby vicinity that asbestos removal work is taking place in the area. Signs should be placed at all main entry points to the asbestos work area where asbestos is present. These signs should be weatherproof, constructed of light weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994. Safety signs for the occupational environment for size, illumination, location and maintenance.

GENERAL

6. The development, which includes the dedication to Council free of cost that part of the land on the north western boundary of the site for road widening, is to be carried out in accordance with the following plans, reports and documents except where amended by the conditions specified in this Consent:

Drawing No.	Prepared by	Revision	Date
DA 2001 Compliance Summary Overall	CDArchitects	I	14/11/17
DA 2002 Compliance Summary Block A	CDArchitects	I	14/11/17
DA 2003 Compliance Summary Block B	CDArchitects	I	14/11/17
DA 2004 Compliance Summary Block C	CDArchitects	I	14/11/17
DA 2004.1 Compliance Summary Block D	CDArchitects	F	1/11/17
DA 2005 Demolition Plan	CDArchitects	F	1/11/17
DA 2006 Site Analysis	CDArchitects	G	1/11/17
DA 2007 Site Plan	CDArchitects	J	30/11/17
DA 2008 Site Key Plan	CDArchitects	D	1/11/17
DA 2100 Basement 03 Floor Plan	CDArchitects	J	30/11/17
DA 2101 Basement 02 Floor Plan	CDArchitects	J	30/11/17
DA 2102 Basement 01 Floor Plan	CDArchitects	J	30/11/17
DA 2103 Ground Floor Plan	CDArchitects	K	1/12/17
DA 2104 Level 01 Floor Plan	CDArchitects	I	14/11/17
DA 2105 Level 02 Floor Plan	CDArchitects	I	14/11/17
DA 2106 Level 03 Floor Plan	CDArchitects	I	14/11/17
DA 2107 Level 04 Floor Plan	CDArchitects	I	14/11/17
DA 2111 Roof Plan	CDArchitects	I	14/11/17
DA 2200 North Elevation (Hunt Lane)	CDArchitects	H	1/11/17
DA 2201 South Elevation (Canterbury Road)	CDArchitects	I	14/11/17
DA 2202 East and West Elevation	CDArchitects	H	1/11/17
DA 2300.1 Section Block A	CDArchitects	I	14/11/17
DA 2300.2 Section Block B	CDArchitects	G	1/11/17
DA 2300.3	CDArchitects	G	1/11/17

Drawing No.	Prepared by	Revision	Date
DA 2300.4	CDArchitects	F	1/11/17
DA 2300.5	CDArchitects	F	1/11/17
DA 2300.6	CDArchitects	G	14/11/17
DA 2300.7	CDArchitects	G	14/11/17
DA 2300.8	CDArchitects	F	1/11/17
DA 2302 Ramp Sections	CDArchitects	F	16/10/17
DA2303 Sections E-E, F-F	CDArchitects	E	16/10/17
DA2500 adaptable unit layout	CDArchitects	G	1/11/17
DA 2730 Block A and B Finishes Schedule	CDArchitects	H	1/11/17
DA 2731 Block C and D Finishes Schedule	CDArchitects	H	1/11/17
Figure 2 post-development detailed site flood plan	No author	-	19/07/17
Block A: 1771-S1/4, 1771-S2/4, 1771-S3/4, 1771-S4/4	John Romanous and Associates	C	3 July 2017
Block B: 16581-S1/4, 1658-S2/4, 1658-S3/4, 1658-S4/4	John Romanous and Associates	C	3 July 2017
Block C: 1771-S1/5, 1771-S2/5, 1771-S3/5, 1771-S5/5 revision dated	John Romanous and Associates	C	3 July 2017
Block C: 1771-S4/5	John Romanous and Associates	D	19 July 2017
Acoustic Assessment Report No. 20151715.1/1612A/R1/MF	Acoustic Logic	1	16/12/16
Detailed Site Investigation Report No. E203	Benviron Group	0	Nov 15
Geotechnical Investigation Report No. P2015-019-G118	Benviron Group	0	Nov 15
Statement of Compliance Access for People with a Disability Report No. 216260-ABC	Accessible Building Solutions	-	12/12/16
Waste Management Plan	Elephants Foot	B	16/12/16
BASIX Certificate number: 869601M_03	Outsource Ideas P/I	-	31/10/17

7. A communal rooftop antenna is to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
8. An intercom system is to be provided at an appropriate location to allow access to visitor parking spaces which are located behind any security grille or controlled access door.
9. All vehicles washed on the premises must be washed in a wash bay that complies with Specification S6 of Council's Stormwater Management Manual and is connected to the Sydney Water Corporation's sewer in accordance with that Authority's requirements.
10. All service and utility elements such as air conditioning, communal antennas and clothes drying area must be integrated into the design and screened from public view.
11. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
12. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
13. All building construction work must comply with the National Construction Code.

14. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
16. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
17. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
18. (Deleted) double condition.
19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
21. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
23. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
24. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

CONSTRUCTION WORK IN HUNT LANE AND PEDESTRIAN FOOTPATH

25. The person with the benefit of this development consent is to construct Hunt Lane as shown on the plans approved under General Condition 6 in Part B of this Consent. Construction work will include the widening of Hunt Lane by 1m to provide a 6.5m wide kerb to kerb carriage way. A 1.5m wide footpath area is to be provided on the site the subject of this development consent. The footpath area is to be widened to 1.8m at those areas marked on the approved plans to provide passing opportunities. The road pavement of Hunt Lane will be reconstructed in accordance with Council

specification. A pedestrian ramp shall be provided in the proposed footpath area adjacent to the northern boundary to provide access to Hunt Reserve. The location of this ramp shall be approved by the Council. Details are to be provided to Council for approval prior to the issue of a construction certificate. Work the subject of this condition is to be completed prior to the issue of an occupation certificate or occupation of the development. The work the subject of this condition is to be at the cost of the person with the benefit of this development consent and at no cost to Council.

26. A right of way in favour of Council shall be created over the footpath area along the northern boundary of the site as shown on the plans approved in General Condition 6 in Part B of this Consent. The right of way is to be created prior to the issue of an occupation certificate.
27. In consultation with Council, an agreed stratum subdivision shall be created along the northern boundary of the site to accommodate street drainage. The subdivision shall be agreed with Council prior to the issue of a Construction Certificate. The subdivision shall have sufficient dimension, but shall be at a depth no greater than 1350mm below the footpath level and extend no further than 600mm within the property, to accommodate the required drainage infrastructure.

SECTION 94 DEVELOPMENT CONTRIBUTIONS

28. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as **1,298,533.95**. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$117,454.34
• Open Space and Recreation	\$1,148,033.07
• Plan Administration	\$33,046.54

Notes:

The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

PARKING PROVISION

29. A total of 205 off-street car parking spaces (including the 2 carwash bays and 4 loading bays) must be designed in accordance with AS 2890.1, provided in accordance with the submitted plans and sealed and line marked to the satisfaction of the Principal Certifying Authority.
30. A total of 38 bicycle parking spaces must be provided across the development, including 21 residential spaces, 11 visitor spaces and 6 commercial spaces.
31. A total of two (2) car wash bays must be provided across the development. Four (4) loading bays must also be provided.

EXCAVATION AND DILAPIDATION

32. An updated Geotechnical Report consistent with the plans approved in General Condition 6 in Part B of this Development consent is to be submitted to Council for approval prior to the issue of
33. Any person causing excavation below the level of the base of footings on an adjoining allotment of land must, at their own expense (L.G. Approvals Reg, Clause 34):
 - (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and
 - (c) give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work at least 7 days in advance of the excavation.

Structural Engineer's details for all retaining walls are to be submitted to the Principal Certifying Authority and a Construction Certificate must be obtained before construction of same. The details must be prepared by a qualified practising structural engineer who has/is eligible for membership of the Institution of Engineers Australia, and be accompanied by a completed Structural Design Certificate (SC1101a copy attached).
34. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining properties, all necessary repairs or suitable agreement for such repairs are to be undertaken by the person with the benefit of this development consent in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
35. A Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining property at No. 857-875 Canterbury Road, detailing the physical condition of the properties both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works, and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to the adjoining properties, is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected persons as soon as practical and prior to the occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
36. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and Principal Certifying Authority immediately.

SYDNEY WATER REQUIREMENTS

37. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

38. Critical Stage Inspections must occur:
For Class 2, 3 or 4 Buildings:
- 38.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 38.2. prior to covering any stormwater drainage connections, and
 - 38.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- For Class 5, 6, 7, 8 or 9 Buildings:
- 38.4. prior to covering any stormwater drainage connections, and
 - 38.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
39. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

40. The person with the benefit of this consent must obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

NSW ROADS & MARITIME SERVICES (RMS) REQUIREMENTS

41. The redundant driveways on Canterbury Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Canterbury Road shall be in accordance Roads and Maritime requirements.

Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798). Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the person with the benefit of this development consent prior to the release of the approved road design plans by Roads and Maritime.

42. All buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Canterbury Road boundary.
43. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8849 2114
Fax 8849 2766

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

44. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

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

45. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Canterbury Road.
46. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.
47. All vehicles are to enter and exit the site in a forward direction.
48. All vehicles are to be wholly contained on site before being required to stop.

AUSGRID REQUIREMENTS

49. Preliminary Enquiry and/or Connection Application
Prior to issue of a Construction Certificate, the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:
- Changes in electrical load requirements
 - Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.)
 - Works affecting Ausgrid's easements, leases and/ or right of ways

- Changing the gradients of any roads or paths
- Changing the level of roads or foot paths
- Widening or narrowing of roads
- Closing roads or laneways to vehicles
- Land subsidence and vibration impact on Ausgrid assets as a result of excavation/reinforcement activities
- In all cases Ausgrid is to have 24 hour access to all its assets.

Any work undertaken near Overhead Power Lines needs to be done in accordance with:

- Workcover Document ISSC 23 "Working Near Overhead Power Lines"
- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

50. Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

51. Supply of Electricity

It is recommended for the nominated electrical consultant/contractor make a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- Site conditions or other issues that may on the method of supply.

The developer is directed to Ausgrid's website, www.ausgrid.com.au which has information about how to connect to Ausgrid's network.

52. Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

53. Proximity to Existing Network Assets: Overhead Powerlines

There are existing overhead electricity network assets in Chapel Street and Canterbury Road Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

54. Proximity to Existing Network Assets: Underground Cables

There are existing underground electricity network assets in Chapel Street and Canterbury Road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Note: The person with the benefit of this development consent can contact Mr Adam Bradford, Portfolio Manager – Asset Protection at Ausgrid on Ph: (02) 93946627 (quote reference: Trim 2017/10/6) for any further information.

ENGINEERING PRIOR TO CONSTRUCTION CERTIFICATE

55. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:

55.1. The design must be generally in accordance with the plans, specifications and details prepared by John Romanous & Associates, including:

- 55.1.1. Block A drawing no's. 1771-S1/4, 1771-S2/4, 1771-S3/4, 1771-S4/4 , revision C dated 3 July 2017), and
- 55.1.2. Block B drawing no's. 16581-S1/4, 1658-S2/4, 1658-S3/4, 1658-S4/4 revision C dated 3 July 2017, and
- 55.1.3. Block C drawing no's. 1771-S1/5, 1771-S2/5, 1771-S3/5, 1771-S5/5 revision C dated 3 July 2017 and 1771-S4/5 revision D dated 19 July 2017.

55.2. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Canterbury Road.

55.3. The rising main from the basement pump out tank must discharge to the On-Site Detention System.

56. On-Site Detention is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority and Canterbury-Bankstown Council, if Council is not the Principal Certifying Authority. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Canterbury Development Control Plan 2012 (2016 Version, Amendment 3).

57. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Development Control Plan 2012.
58. Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
- 58.1. The street awning(s) must be setback 600mm from the kerb line.
 - 58.2. The awnings must be entirely self-supporting; posts are not permitted.
 - 58.3. The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a Certificate of Currency must be submitted to the Principal Certifying Authority.
 - 58.4. All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
 - 58.5. The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act 1993. **Note:** that this Consent does not give approval to construct an awning in the road.
 - 58.6. The person with the benefit of this development consent must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The person with the benefit of this development consent shall bear all responsibility and costs associated with the proposed relocation of services.
 - 58.7. The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
 - 58.8. If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
 - 58.9. Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
 - 58.10. A maintenance plan must be provided in respect of the awning(s) to address the following issues at a minimum:
 - i. Inspection schedule of structural members, connections, and supports covering the life of the awning(s).
 - ii. Inspection schedule of non-structural components.
 - iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.The plans and details of the awning(s) must be certified by a Structural Engineer and be provided prior to the issue of a Construction Certificate.
59. The submitted Geotechnical Report provides an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged with Canterbury-Bankstown Council prior to the issue of a Construction Certificate.

Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.

Where temporary anchors are proposed to be used in Council owned lands i.e. road reserves an Application must be made to Canterbury-Bankstown Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
 - b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
 - c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
60. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
61. A Construction Traffic Management Plan is to be provided outlining how demolition/construction vehicles will approach and depart the site, and how they will be accommodated on the site. There will be no on-street parking permitted adjacent to the site.
62. An easement must be created over Lot 294 for a width of 4.57m within which the stormwater culvert is located. The easement must extend to a height of 3m above the invert level of the culvert and clearly stipulate that no structures or other obstructions are permitted to encroach within this space. This easement must be registered prior to the issue of the Construction Certificate.
63. Certification must be provided from a suitably qualified engineer confirming that basement excavation or any other works associated with the construction of the building on this or adjoining sites will not affect the stability or operation of the culvert constructed over Lot 294.
64. (Deleted).
65. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". A revised design and revised plans certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate, addressing the following matters to the satisfaction of the Principal Certifying Authority:

- 65.1. The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- 65.2. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".
- 65.3. A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- 65.4. The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS 2890.1-2004.
- 65.5. Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
- 65.6. A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- 65.7. A suitably qualified engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.
- 65.8. The pedestrian area around the passenger lift area on each of the basement levels is to have bollards provided to ensure that vehicles do not park in these areas.

ENGINEERING PRIOR TO AND DURING CONSTRUCTION

- 66. The person with the benefit of this development consent is to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the cost of the person with the benefit of this consent.
- 67. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
- 68. A road opening Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 69. A full width Heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the cost of the person with the benefit of this development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 70. The kerb ramp for the vehicular access to car parks for Block A and B is to be provided as a continuous crossing across both driveways.
- 71. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or

Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

ENGINEERING PRIOR TO OCCUPATION CERTIFICATE

72. The stormwater system is to be constructed generally in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
73. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
74. A Works-as-Executed plan must be submitted to Canterbury-Bankstown Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the On-Site Detention system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associated works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the On-Site Detention system as specified in Part 6.4 of Canterbury Development Control Plan.
75. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans have been prepared and implemented for the On-Site Detention and basement pump out facilities. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
76. The Operation and Management Plan for the On-Site Detention and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
77. An instrument regarding the maintenance and the upkeep of the subfloor area designed for flooding shall be registered with the relevant authorities. All maintenance and upkeep shall be borne to the owner.
78. The Principal Certifying Authority must ensure that the awing(s) have been constructed in accordance with this Consent and the relevant standards. Prior to the issue of an Occupation Certificate certification must be provided by a Structural Engineer that the awing(s) have been constructed in accordance with the design submitted with the Construction Certificate and National Construction Code.
79. The awning maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.

80. If floor levels for habitable room areas as per the definition of the NSW flood plain management manual 2005 are proposed to be lower than the flood level, a suitably qualified engineer must demonstrate (prior to the issue of a Construction Certificate) how the flood waters and seepage will not inundate such areas. A certificate from a suitably qualified engineer must be provided to certify that habitable room areas with levels lower than the flood levels are flood protected, and safe to be occupied and used prior to issue of the Occupation Certificate.
81. The person with the benefit of this consent is to remove the pipe and construct the culvert on Lot 294 DP12455 in accordance with the plans approved by the Council under Deferred Commencement Condition 1 prior to the issue of a final Occupation Certificate.

PUBLIC IMPROVEMENTS

82. The reconstruction of the approved civil design for the widening of Hunt Lane is required. Work is to be carried out by Council or an approved contractor, at the cost of the person with the benefit of this development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
83. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the cost of the person with the benefit of this development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
84. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road is required. Work is to be carried out by Council or an approved contractor, at the cost of the person with the benefit of this development consent's. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

CONSOLIDATION OF LOTS

85. The site forming all Lots 51 through to Lots 68 (inclusive) the subject of this development consent must be consolidated into one allotment. The plan of consolidation must be lodged and registered with the Land and Property Information NSW prior to the earlier of the release of the Occupation Certificate or occupation of the building.

SUBDIVISION

86. The granting of service easements within the properties are to be to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
87. All easements required for the subdivision are to be shown on and registered in conjunction with the subdivision plan.

AIR QUALITY AND ACOUSTIC REQUIREMENTS

88. Written verification is required from the author of the Air Quality Assessment Report certifying that the recommended measures to ameliorate air pollution have been satisfactorily incorporated into the construction of the building, prior to the issue of an Occupation Certificate.
89. Written verification from the author of the Acoustic Assessment Report certifying that all the recommended measures to mitigate noise impacts have been satisfactorily incorporated into the construction of the building, prior to the issue of an Occupation Certificate.
90. The use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person with the benefit of this consent must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Council concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level. The acoustic assessment must be completed within 30 days from the date requested by Council.
91. The management body and/or strata/body corporate must ensure that the use of the communal areas complies with the following requirements at all times:
 - 91.1. Management to limit patron numbers in external areas to no more than 35 people at any one time.
 - 91.2. Use of the external common area is not permissible during the night time period i.e. between 10pm to 7am.
 - 91.3. Outdoor common areas must not be used for parties or music.
 - 91.4. External walkways/access ways must not be used for congregating or as informal communal areas.
 - 91.5. Prominent and noticeable signs must be fixed to walls, doors and access points to the communal open areas that are easy to read by all residents and visitors.
92. The requirements and recommendations identified in the report from Acoustic Logic dated 16 December 2015 in relation to glazing and external doors and common open space are to be implemented. Details to be provided with an application for a Construction Certificate.

DISABILITY ACCESS

93. Access to the premises must be provided for people with disabilities and in accordance with the recommendations of the Statement of Compliance Access for People with a Disability Report No. 216260-ABC prepared by Accessible Building Solutions dated 12 December 2015 and compliant with the Disability (Access to Premises-Buildings) Standards 2010.
94. Fifteen (15) of the residential units must be provided as a mix of both adaptable and accessible housing, to the satisfaction of the Principal Certifying Authority, prior to the issue of an Occupation Certificate.

LANDSCAPING REQUIREMENTS

95. An amended landscape plan that is consistent with the plans approved in General Condition 6 of this consent is to be submitted to the Council for approval prior to the issue of a construction certificate. Landscaping is to be completed prior to the issue of an occupation certificate. The landscaping is to be maintained at all times to the Council's satisfaction.

96. The north-west facing balconies to apartments A401 and D401 are to be provided with 1 metre wide planter boxes for the full length of the north western edge of the balconies. The planter boxes must include a minimum soil depth of 1 metre and are to be capable of supporting planting that will grow to a mature height of a minimum of 1.5 metres in height above balcony finished floor level.
97. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
98. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commencement of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
99. An automatic watering system is to be installed in common areas and to the planter boxes at apartments A401 and D401 at the person with the benefit of this development consent's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
100. All property trees may be removed conditional on their replacement with a minimum of 6 large locally indigenous species trees (minimum 10m mature height and 100 litre pot size)) to be planted by council within the local area to maintain tree canopy and amenity. Species to be nominated by Council.

WASTE MANAGEMENT REQUIREMENTS

101. The developer must contact Council to arrange an inspection by Council officers of the waste storage and management facilities, prior to the issue of the Occupation Certificate.
102. Provision of a minimum 4m² bulky waste room/area for each block. The doorway must be at least 1.2m. The Building caretaker will transport any bulky waste to the designated bulky waste collection point nominated on the plans.
103. Waste storage areas are to include mechanical or natural ventilation to manage odour.
104. The residential component of the development containing ninety-seven (97) residential dwellings, will be allocated by Council the following waste and recycling bins to be collected weekly:

Garbage Bins (660L)	18 x 660L bins allocated as required to each Block
Recycling Bins (660L)	12 x 660L bins allocated as required to each Block
Garden Organics Bins (240L)	12 x 240L bins

Bin Type	Height	Width	Depth
240 Litres	1080mm	580mm	735mm
660 Litres	1250mm	1370mm	850mm

The Garden Organics Waste bins are to be placed at the kerbside for collection and then returned to storage after collection.

105. The commercial component of the development containing will be allocated and collected by Council the following waste and recycling bins:
- 7 x 240L garbage bins (collected weekly)
 - 7 x 240L recycling bins (collected weekly)
- Service capacity required over and above Council's standard service is to be supplied by a private contractor
106. All waste and recycling bins provided by Council as part of the standard waste and recycling service are collected by Council from the bin storage room(s) as a collect and return service. Accordingly, unobstructed and unrestricted access must be provided to the bin storage area on collection days from 5.00am. The bins must not be presented on the road.
107. Waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP.

STREET ADDRESSING

108. Future Street Addressing for development under DA-594/2016 is as follows:
- Stage A Commercial: 821 Canterbury Road, Lakemba
Stage A Residential: 823 Canterbury Road, Lakemba
Stage B Commercial: 833 Canterbury Road, Lakemba
Stage B Residential: 835 Canterbury Road, Lakemba
Stage C Commercial: 845 Canterbury Road, Lakemba
Stage C Residential: 847 Canterbury Road, Lakemba
- The person with the benefit of the development consent must contact Council to confirm Street Addressing prior to the issue of an Occupation Certificate and supply Council with a schedule of lots and addresses for all the units. Council can be contacted on 9707 9700 (or email council@canterbury.nsw.gov.au).

TRAFFIC MANAGEMENT

109. The person with the benefit of this development consent is to apply to Council for the construction of "Keep Clear" pavement markings in Chapel Street for southbound traffic at the intersection with Hunt Lane/Wilson Lane prior to the issue of an occupation certificate. If the pavement markings are approved by the Council, the person with the benefit of this consent is to pay for the installation of the pavement markings prior to the issue of an occupation certificate.

REMEDIAION

110. Remediation consistent with Remediation Action Plan Report E23301 AA_Rev dated 11 April 2017 prepared by EIAUSTRALIA and validation must be undertaken by the person with the benefit of this consent and a site audit statement must be issued. Remediation is to be undertaken to a standard that meets the requirements of State Environmental Planning Policy 55 – Remediation of Land. An auditor accredited under the Contaminated Land Management Act 1997 must issue a Site Audit

Statement to Council, Council must approve the remediation works and site validation and issue a statement that the site is suitable for the approved use prior to the issue of a construction certificate.

Any soils proposed for removal from the site should initially be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009).

If during any potential site works, significant odours and/or evidence of gross contamination (including asbestos) not previously detected are encountered, or any other significant unexpected event occurs, site works should cease in that area and an environmental consultant should be notified immediately to develop a response to that event.

Annexure 'B'

Conditions of Consent

DA-595/2016

PART A – DEFERRED COMMENCEMENT CONSENT

- A. This is a "Deferred Commencement" consent that is granted subject to a condition under section 80(3) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") that the consent is not to operate until the person with the benefit of this consent satisfies Canterbury Bankstown Council ("Council") as to the matters set out in Part A below. The period within which the person with the benefit of this consent must produce evidence to the Council sufficient enough to enable it to be satisfied as to those matters is 12 months.
1. Engineering details in relation to the removal of the pipe and construction of the culvert on Lot 294 DP12455 must be submitted to the satisfaction of Council.
 2. The Lot 294 façade to Canterbury Road, as shown on approved drawing number 1104 Rev K is to be a sculptural and functional design and is to include a green wall with ground level planting. Details of the design must be submitted to the satisfaction of Council.

PART B – CONDITIONS OF APPROVAL

- B. The following conditions of consent will be included in the development consent issued by Council after the person with the benefit of this development consent provides information to satisfy Council in relation to the conditions of the deferred commencement consent:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Acoustic Assessment Report
 - Air Quality Assessment Report
 - BASIX Certificate number: 869709M_03
 - Building Specifications
 - Detailed Site Investigation
 - Fire Safety Schedule
 - Firewall Separation
 - Geotechnical Investigation Report
 - Hydraulic Plan
 - Landscape Plan
 - Remedial Action Plan
 - Soil and Waste Management Plan
 - Statement for Compliance Access for People with a Disability Report
 - Structural Engineering Plan including method of shoring during excavation
 - Ventilation of basement carpark

- Waste Management Plan
- 1.2. A Report prepared by an independent, accredited engineer, detailing the structural adequacy of the adjoining property at No. 819A Canterbury Road, Lakemba and its ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to council, or the Principal Certifying Authority with the Construction Certificate. All costs are to be borne by the person with the benefit of this development consent.
- 1.3. Confirmation of the payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.4. Confirmation of the payment to Council of:

Section 94 Development Contributions	\$333,921.50
Certificate Registration Fee	\$36.00

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days' notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
3. 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. The layout plan of pavement is to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

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

Forms can be obtained from Councils Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.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.

SITE SIGNAGE

4. A sign shall be erected at all times on the building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:

- 5.1. Demolition of the existing building on the site is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
- 5.2. The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- 5.3. Demolition on the site is to be carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
- 5.4. A hoarding or fence must be erected between the building or site of the building and a public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- 5.5. Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
- 5.6. Burning of demolished building materials is prohibited.
- 5.7. Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- 5.8. Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- 5.9. Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- 5.10. The capacity and effectiveness of soil and water management devices must be maintained at all times.
- 5.11. During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- 5.12. A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- 5.13. Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the Building Code of Australia.
- 5.14. Removal, cleaning and disposal of lead-based paint is to conform with the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. **Note:** For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- 5.15. Hazardous dust must not escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- 5.16. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

5.17. At least two (2) working days(i.e. Monday to Friday exclusive of public holidays) before commencing asbestos removal works, the developer or demolition contractor must notify adjoining residents of the proposed commencement of asbestos removal works. Notification is to include at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact number telephone number of the demolisher, contractor and or developer.
- The full name and license number of the asbestos removalist; and
- The telephone number of the WorkCover Hotline 13 10 50
- Warning signs must be placed so as to inform all people in the nearby vicinity that asbestos removal work is taking place in the area. Signs should be placed at all main entry points to the asbestos work area where asbestos is present. These signs should be weatherproof, constructed of light weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994. Safety signs for the occupational environment for size, illumination, location and maintenance.

GENERAL

6. The development, which includes the dedication to Council free of cost that part of the land on the north western boundary of the site for road widening, is to be carried out in accordance with the following plans, reports and documents except where amended by the conditions specified in this Consent:

Drawing No.	Prepared by	Revision	Date
DA 1001 Compliance Summary Sheet 1	CDArchitects	J	30/11/17
DA 1002 Compliance Summary Sheet 2	CDArchitects	G	1/11/17
DA 1003 Demolition Plan	CDArchitects	F	1/11/17
DA 1004 Site Analysis	CDArchitects	G	1/11/17
DA 1005 Site Plan	CDArchitects	J	30/11/17
DA 1101 Basement 3 Floor Plan	CDArchitects	I	14/11/17
DA 1102 Basement 2 Floor Plan	CDArchitects	I	14/11/17
DA 1103 Basement 1 Floor Plan	CDArchitects	I	14/11/17
DA 1104 Ground Floor Plan	CDArchitects	K	1/12/17
DA 1105 Level 01 Floor Plan	CDArchitects	I	30/11/17
DA 1106 Level 02 Floor Plan	CDArchitects	G	1/11/17
DA 1107 Level 03 Floor Plan	CDArchitects	G	1/11/17
DA 1108 Level 04 Floor Plan	CDArchitects	G	1/11/17
DA 1114 Roof Plan	CDArchitects	G	1/11/17
DA 1200 North Elevation Hunt Lane	CDArchitects	H	14/11/17
DA 1201 South Elevation Canterbury Road	CDArchitects	I	30/11/17
DA 1202 East Elevation Chapel Street	CDArchitects	G	1/11/17
DA 1203 West Elevation Lot 294	CDArchitects	G	1/11/17
DA 1300 Section A	CDArchitects	H	1/11/17
DA 1301 Section B	CDArchitects	F	14/11/17
DA 1302 Ramp Section	CDArchitects	H	1/11/17
DA 1500 Pre + Post Adaptable Unit Layout	CDArchitects	G	1/11/17
DA 1730 Finishes Schedule	CDArchitects	G	1/11/17
DA 1900 Typical 3m floor to floor detail section	CDArchitects	D	1/11/17

Drawing No.	Prepared by	Revision	Date
Stormwater 1770-S1/5, 1770-S2/5, 1770-S3/5, 1770-S5/5	John Romanous & Associates	C	3 July 2017
Stormwater 1770-S4/5	John Romanous & Associates	D	19 July 2017
Acoustic Assessment Report No. 20151715.1/0312A/R1/MF	Acoustic Logic	1	03/12/16
Detailed Site Investigation Report No. E203	Benviron Group	0	Nov 15
Geotechnical Investigation Report No. P2015-019-G118	Benviron Group	0	Nov 15
Statement of Compliance Access for People with a Disability Report No. 216260-A	Accessible Building Solutions	-	12/12/16
Waste Management Plan	Elephants Foot	B	16/12/16
BASIX Certificate number: 869709M_03	Outsource Ideas P/I	-	31/10/17

7. A communal rooftop antenna is to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
8. An intercom system is to be provided at an appropriate location to allow access to visitor parking spaces which are located behind any security grille or controlled access door.
9. All vehicles washed on the premises must be washed in a wash bay that complies with Specification S6 of Council's Stormwater Management Manual and is connected to the Sydney Water Corporation's sewer in accordance with that Authority's requirements.
10. All service and utility elements such as air conditioning, communal antennas and clothes drying area must be integrated into the design and screened from public view.
11. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
12. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
13. All building construction work must comply with the National Construction Code.
14. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
16. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

- b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
17. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 18. (Deleted)
 19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 20. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
 21. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 23. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
 24. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

CONSTRUCTION WORK IN HUNT LANE AND PEDESTRIAN FOOTPATH

25. The person with the benefit of this development consent is to construct Hunt Lane as shown on the plans approved under General Condition 6 in Part B of this Consent. Construction work will include the widening of Hunt Lane by 1m to provide a 6.5m wide kerb to kerb carriage way as shown on Drawing No. DA 1104 Ground Floor Plan (Rev K) dated 1.12.17 prepared by CD Architects. A 1.5m wide footpath area is to be provided on the site the subject of this development consent. The footpath area is to be widened to 1.8m at those areas marked on the approved plans to provide passing opportunities. The road pavement of Hunt Lane will be reconstructed in accordance with Council specification. A pedestrian ramp shall be provided in the proposed footpath area adjacent to the northern boundary to provide access to Hunt Reserve. The location of this ramp shall be approved by the Council. Details are to be provided to Council for approval prior to the issue of a construction certificate. Work the subject of this condition is to be completed prior to the issue of an occupation certificate or occupation of the development. Work the subject of this condition is to be at the cost of the person with the benefit of this development consent and is to be of no cost to Council.
26. A right of way in favour of Council shall be created over the footpath area along the northern boundary of the site as shown on the plans approved in General Condition 6 in Part B of this Consent. The right of way is to be created prior to the issue of an occupation certificate.
27. In consultation with Council, an agreed stratum subdivision shall be created along the northern boundary of the site to accommodate street drainage. The subdivision shall be agreed with Council prior to the issue of a Construction Certificate. The subdivision shall have sufficient dimension, but shall be at a depth no greater than

1350mm below the footpath level and extend no further than 600mm within the property, to accommodate the required drainage infrastructure.

SECTION 94 DEVELOPMENT CONTRIBUTIONS

28. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as **\$333,921.50**. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$30,204.02
• Open Space and Recreation	\$295,217.07
• Plan Administration	\$8,500.41

Notes:

The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

PARKING PROVISION

29. A total of 47 off-street car parking spaces (not including 1 loading bay and 1 carwash bay) designed in accordance with AS 2890.1, provided in accordance with the approved plans and sealed and line marked to the satisfaction of the Principal Certifying Authority. The parking spaces must be distributed as follows:
- 32 spaces for residents (including 6 accessible spaces)
 - 5 spaces for visitors
 - 10 spaces for commercial tenants/visitors
30. A total of 10 bicycle parking spaces must be provided across the development, distributed as follows:
- 5 spaces for residents
 - 3 spaces for visitors
 - 2 spaces for staff
31. One (1) car wash bay and one (1) loading bay must be provided for the development.

EXCAVATION AND DILAPIDATION

32. An updated Geotechnical Report consistent with the plans approved in General Condition 6 in Part B of this Consent is to be submitted to Council for approval prior to the issue of a construction certificate.
33. Any person causing excavation below the level of the base of footings on an adjoining allotment of land must, at their own expense (L.G. Approvals Reg, Clause 34):
- (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and

- (c) give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work at least 7 days in advance of the excavation.

The person with the benefit of this consent must submit Structural Engineer's details for all retaining walls to the Principal Certifying Authority and obtain a Construction Certificate before construction of same. The details must be prepared by a qualified practising structural engineer who has/is eligible for membership of the Institution of Engineers Australia, and be accompanied by a completed Structural Design Certificate (SC1101a copy attached).

- 34. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining properties, all necessary repairs or suitable agreement for such repairs are to be undertaken by the person with the benefit of this development consent in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
- 35. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and Principal Certifying Authority immediately.

SYDNEY WATER REQUIREMENTS

- 36. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

- 37. Critical Stage Inspections must be undertaken at the following stages:
 - Class 2, 3 or 4 Buildings
 - 37.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 37.2. prior to covering any stormwater drainage connections, and
 - 37.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
 - Class 5, 6, 7, 8 or 9 Buildings
 - 37.4. prior to covering any stormwater drainage connections, and
 - 37.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- 38. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

39. The person with the benefit of this development consent must obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

NSW ROADS & MARITIME SERVICES (RMS) REQUIREMENTS

40. The redundant driveways on Canterbury Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Canterbury Road shall be in accordance Roads and Maritime requirements.

Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798). Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the person with the benefit of this development consent prior to the release of the approved road design plans by Roads and Maritime.

41. All buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Canterbury Road boundary.
42. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8849 2114
Fax 8849 2766

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

43. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

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

44. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Canterbury Road.
45. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.
46. All vehicles are to enter and exit in a forward direction.
47. All vehicles are to be wholly contained on site before being required to stop.

AUSGRID REQUIREMENTS

48. Preliminary Enquiry and/or Connection Application
Prior to issue of a Construction Certificate, the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - Changes in electrical load requirements
 - Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.)
 - Works affecting Ausgrid's easements, leases and/ or right of ways
 - Changing the gradients of any roads or paths
 - Changing the level of roads or foot paths
 - Widening or narrowing of roads
 - Closing roads or laneways to vehicles
 - Land subsidence and vibration impact on Ausgrid assets as a result of excavation/reinforcement activities
 - In all cases Ausgrid is to have 24 hour access to all its assets.

Any work undertaken near Overhead Power Lines needs to be done in accordance with:

- Workcover Document ISSC 23 "Working Near Overhead Power Lines"
- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

49. Method of Electricity Connection
The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
50. Supply of Electricity
It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - The existing network can support the expected electrical load of the development
 - A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - Site conditions or other issues that may on the method of supply.

The developer is directed to Ausgrid's website, www.ausgrid.com.au which has information about how to connect to Ausgrid's network.

51. Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

52. Proximity to Existing Network Assets: Overhead Powerlines

There are existing overhead electricity network assets in Chapel Street and Canterbury Road. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

53. Proximity to Existing Network Assets: Underground Cables

There are existing underground electricity network assets in Chapel Street and Canterbury Road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Note: The person with the benefit of this development consent can contact Mr Adam Bradford, Portfolio Manager – Asset Protection at Ausgrid on Ph: (02) 93946627 (quote reference: Trim 2017/10/6) for any further information.

ENGINEERING PRIOR TO CONSTRUCTION CERTIFICATE

54. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:

54.1. The design must be generally in accordance with the plans, specifications and details prepared by John Romanous & Associates, revision C dated 3 July 2017, drawing no's. 1770-S1/5, 1770-S2/5, 1770-S3/5, 1770-S5/5 and 1770-S4/5 revision D dated 19 July 2017.

54.2. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together

- with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Canterbury Road.
- 54.3. The rising main from the basement pump out tank must discharge to the On-Site Detention System.
55. On-Site Detention is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority and Canterbury-Bankstown Council, if Council is not the Principal Certifying Authority. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Canterbury Development Control Plan 2012 (2016 Version, Amendment 3).
56. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Development Control Plan 2012.
57. Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
- 57.1. The street awning(s) must be setback 600mm from the kerb line.
- 57.2. The awnings must be entirely self-supporting; posts are not permitted.
- 57.3. The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a Certificate of Currency must be submitted to the Principal Certifying Authority.
- 57.4. All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
- 57.5. The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act 1993. **Note:** that this Consent does not give approval to construct an awning in the road.
- 57.6. The person with the benefit of this development consent must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The person with the benefit of this development consent shall bear all responsibility and costs associated with the proposed relocation of services.
- 57.7. The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
- 57.8. If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
- 57.9. Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
- 57.10. A maintenance plan must be provided in respect of the awning(s) to address the following issues at a minimum:
- i. Inspection schedule of structural members, connections, and supports covering the life of the awning(s).
 - ii. Inspection schedule of non-structural components.
 - iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.

The plans and details of the awing(s) must be certified by a Structural Engineer and be provided prior to the issue of a Construction Certificate.

58. The submitted Geotechnical Report provides an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged with Canterbury-Bankstown Council prior to the issue of a Construction Certificate.

Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.

Where temporary anchors are proposed to be used in Council owned lands i.e. road reserves an Application must be made to Canterbury-Bankstown Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
 - b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
 - c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
59. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
60. A Construction Traffic Management Plan is to be provided outlining how demolition/construction vehicles will approach and depart the site, and how they will be accommodated on the site. There will be no on-street parking permitted adjacent to the site.
61. An easement must be created over Lot 294 DP 12455 for a width of 4.57m within which the stormwater culvert is located. The easement must extend to a height of 3m above the invert level of the culvert and clearly stipulate that no structures or other obstructions are permitted to encroach within this space. This easement must be registered prior to the issue of the Construction Certificate.
62. Certification must be provided from a suitably qualified engineer confirming that basement excavation or any other works associated with the construction of the building will not affect the stability or operation of the culvert constructed over the adjoining Lot 294 in DP 12455.
63. (Deleted)
64. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". A revised design and revised plans certified by a suitably qualified Civil Engineer with NER

registration with the Institution of Engineers Australia must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate, addressing the following matters to the satisfaction of the Principal Certifying Authority:

- 64.1. The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- 64.2. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
- 64.3. A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- 64.4. The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS 2890.1-2004.
- 64.5. The intersection of ramps with parking aisles and other intersection areas have been designed for use by one vehicle at a time. Appropriate traffic management measures, including redesign if needed, is required to prioritise one-way traffic movement at these intersection areas.
- 64.6. Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
- 64.7. A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- 64.8. A suitably qualified engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.
- 64.9. All small parking spaces must be eliminated from the proposal.
- 64.10. The shared area adjacent to accessible parking spaces must be clear from all obstructions.
- 64.11. The pedestrian area around the passenger lift area on each of the basement levels is to have bollards provided to ensure that vehicles do not park in these areas.
65. If floor levels for habitable room areas as per the definition of the NSW flood plain management manual 2005 are proposed to be lower than the flood level, a suitably qualified engineer must demonstrate (prior to the issue of a Construction Certificate) how the flood waters and seepage will not inundate such areas. A certificate from a suitably qualified engineer must be provided to certify that habitable room areas with levels lower than the flood levels are flood protected, and safe to be occupied and used prior to issue of the Occupation Certificate.

ENGINEERING PRIOR TO AND DURING CONSTRUCTION

66. The person with the benefit of the development consent is to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the cost of person with the benefit of this development consent.
67. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.

- 68. A road opening Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 69. A full width Heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the cost of the person with the benefit of the development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 70. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

ENGINEERING PRIOR TO OCCUPATION CERTIFICATE

- 71. That the stormwater system be constructed generally in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the conditions of this consent.
- 72. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
- 73. A Works-as-Executed plan must be submitted to Canterbury-Bankstown Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the On-Site Detention system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associated works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the On-Site Detention system as specified in Part 6.4 of Canterbury Development Control Plan.
- 74. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the On-Site Detention and basement pump out facilities. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

- 75. The Operation and Management Plan for the On-Site Detention and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
- 76. The Principal Certifying Authority must ensure that the awing(s) have been constructed in accordance with this Consent and the relevant standards. Prior to the issue of an Occupation Certificate certification must be provided by a Structural Engineer that the awing(s) have been constructed in accordance with the design submitted with the Construction Certificate and National Construction Code.

77. The awning maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.
78. The person with the benefit of this consent is to remove the pipe and construct the culvert on Lot 294 DP12455 in accordance with the plans approved by the Council under Deferred Commencement Condition 1 prior to the issue of a final Occupation Certificate.

PUBLIC IMPROVEMENTS

79. The reconstruction of the approved civil design for the widening of Hunt Lane is required. Work is to be carried out by Council or an approved contractor, at the cost of the person with the benefit of this development consent and in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
80. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the cost of the person with the benefit of this development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
81. The reconstruction of the kerb and gutter along all areas of the site fronting Chapel Street is required. Work to be carried out by Council or an approved contractor, at the cost of the person with the benefit of this development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
82. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road and Chapel Street is required. Work being carried out by Council or an approved contractor, at the cost of the person with the benefit of the development consent. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

CONSOLIDATION OF LOTS

83. The site forming all Lots 294 and 69 through to Lots 72 (inclusive) the subject of this development consent must be consolidated into one allotment. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the earlier of the release of the Occupation Certificate or occupation of the building.

SUBDIVISION

84. The granting of service easements within the properties is to occur to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements are to be borne by the developer.
85. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.

AIR QUALITY AND ACOUSTIC REQUIREMENTS

86. Written verification from the author of the Air Quality Assessment Report certifying that the recommended measures to ameliorate air pollution have been satisfactorily incorporated into the construction of the building, prior to the issue of an Occupation Certificate.

87. Written verification from the author of the Acoustic Assessment Report certifying that all the recommended measures to mitigate noise impacts have been satisfactorily incorporated into the construction of the building, prior to the issue of an Occupation Certificate.
88. The use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Council concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level. The acoustic assessment must be completed within 30 days from the date requested by Council.
89. The management body and/or strata/body corporate must ensure that the use of the communal areas complies with the following requirements at all times:
 - 89.1. Management to limit patron numbers in external areas to no more than 35 people at any one time.
 - 89.2. Use of the external common area is not permissible during the night time period i.e. between 10pm to 7am.
 - 89.3. Outdoor common areas must not be used for parties or music.
 - 89.4. External walkways/access ways must not be used for congregating or as informal communal areas.
 - 89.5. Prominent and noticeable signs must be fixed to walls, doors and access points to the communal open areas that are easy to read by all residents and visitors.

DISABILITY ACCESS

90. Access to the premises must be provided for people with disabilities and in accordance with the recommendations of the Statement of Compliance Access for People Statement of Compliance Access for People Report No. 216260 dated 12 December 2016 and compliant with the Disability (Access to Premises-Buildings) Standards 2010.
91. Five (5) of the residential units must be provided as a mix of both adaptable and accessible housing, to the satisfaction of the Principal Certifying Authority, prior to the issue of an Occupation Certificate.

LANDSCAPING REQUIREMENTS

92. An amended landscape plan consistent with the plans in General Condition 6 of this consent is to be submitted to Council for approval prior to the issue of a construction certificate. The landscaping approved by Council is to be maintained at all times to the Council's satisfaction.
93. The north-west facing balconies to apartments 401 and 402 are to be provided with 1 metre wide planter boxes for the full length of the north western edge of the balconies. The planter boxes must include a minimum soil depth of 1 metre and are to be capable of supporting planting that will grow to a mature height of a minimum of 1.5 metres in height above balcony finished floor level.
94. The green wall to Lot 294 façade to Canterbury Road, ground level planting and appropriate climbing plant(s).
95. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
96. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact

no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.

97. An automatic watering system is to be installed in common areas and to the planter boxes on the balconies of apartments 401 and 402 at the cost of the person with the benefit of this development consent. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.

WASTE MANAGEMENT REQUIREMENTS

98. The developer must contact Council to arrange an inspection by Council officers of the waste storage and management facilities, prior to the issue of the Occupation Certificate.
99. The development must provide a minimum 4m² bulky waste room/area. The doorway must be at least 1.2m. The Building caretaker will transport any bulky waste to the designated bulky waste collection point nominated on the plans.
100. The waste storage areas are to be provided with natural or mechanical ventilation to manage odour.
101. The residential component of the development containing twenty-three (23) residential dwellings, will be allocated by Council the following waste and recycling bins:
- 4 (5)? x 660L garbage bins (collected weekly) (see joint report of waste experts)
 - 3 x 660L recycling bins (collected weekly)
 - 2 x 240L garden waste bins (collected fortnightly)

Bin Type	Height	Width	Depth
240 Litres	1080mm	580mm	735mm
660 Litres	1250mm	1370mm	850mm

102. The commercial component of the development containing two (2) commercial tenancies, will be allocated by Council the following waste and recycling bins:
- 2 x 240L garbage bins (collected weekly)
 - 2 x 240L recycling bins (collected weekly)

Service capacity required over and above Council's standard service is to be supplied by a private contractor.

103. All waste and recycling bins provided by Council as part of the standard waste and recycling service are collected by Council from the bin storage room as a collect and return service. Accordingly, unobstructed and unrestricted access must be provided to the bin storage area on collection days from 5.00am. The bins must not be presented on the road.
104. Waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the Canterbury Development Control Plan 2012.

STREET ADDRESSING

105. Future Street Addressing for development under DA-595/2016 is as follows:
Commercial base Street Address: 813 Canterbury Road, Lakemba,
Residential base Street Address: 815 Canterbury Road, Lakemba.

The person with the benefit of this consent must contact Council to confirm Street Addressing prior to the issue of an Occupation Certificate and supply Council with a schedule of lots and addresses for all the units. Council can be contacted on 9707 9700 (or email council@canterbury.nsw.gov.au).

TRAFFIC MANAGEMENT

106. The person with the benefit of this development consent is to apply to Council to construct "Keep Clear" pavement markings in Chapel Street for southbound traffic at the intersection with Hunt Lane/Wilson Lane prior to the issue of an occupation certificate. If the pavement markings are approved by the Council, the person with the benefit of this consent is to pay for the installation of the pavement markings prior to the issue of an occupation certificate.

REMEDICATION

107. Remediation consistent with Remediation Action Plan Report E23301 AA_Rev dated 11 April 2017 prepared by EIAUSTRALIA and validation must be undertaken by the person with the benefit of this consent and a site audit statement must be issued. Remediation is to be undertaken to a standard that meets the requirements of State Environmental Planning Policy 55 – Remediation of Land. An auditor accredited under the Contaminated Land Management Act 1997 must issue a Site Audit Statement to Council, Council must approve the remediation works and site validation and issue a statement that the site is suitable for the approved use prior to the issue of a construction certificate.

Any soils proposed for removal from the site should initially be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009).

If during any potential site works, significant odours and/or evidence of gross contamination (including asbestos) not previously detected are encountered, or any other significant unexpected event occurs, site works should cease in that area and an environmental consultant should be notified immediately to develop a response to that event.

PUBLIC ART AND SIGNAGE

108. Details and design of public art or signage associated with the development for the "green wall" are to be submitted to Council for approval prior to the issue of a construction certificate. Any approved public art or signage is to be maintained for the life of the development.