

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-845/2017, submitted by Mecone, accompanied by plans listed in the table below, and affixed with Council's approval stamp, except where amended by the conditions contained in this approval.

Drawing No.	Title	Prepared by:	Issue:	Dated:
DA-002	Site Plan	Jackson Teece	E	26/11/2018
DA-099	Floor Plan - Basement 1	Jackson Teece	E	20/11/2018
DA-100	Floor Plan – Ground Floor	Jackson Teece	F	26/11/2018
DA-101	Floor Plan – Level 1	Jackson Teece	F	26/11/2018
DA-102	Floor Plan – Level 2	Jackson Teece	F	26/11/2018
DA-103	Floor Plan – Level 3	Jackson Teece	D	20/11/2018
DA-104	Floor Plan – Roof	Jackson Teece	D	20/11/2018
DA-300	Elevations 01	Jackson Teece	C	31/08/2017
DA-301	Elevations 02	Jackson Teece	C	09/08/2018
DA-302	Elevations 03	Jackson Teece	E	06/08/2018
DA-303	Elevations 04	Jackson Teece	D	31/08/2017
DA-304	Elevations 05	Jackson Teece	C	09/08/2018
DA-305	Elevations 06	Jackson Teece	D	20/11/2018
DA-306	Elevations 07	Jackson Teece	D	09/08/2018
DA-310	Streetscape Elevations	Jackson Teece	C	09/08/2018
DA-400	Sections - 01	Jackson Teece	D	20/11/2018
DA-401	Sections - 02	Jackson Teece	D	20/11/2018
DA-402	Streetscape Section	Jackson Teece	C	20/11/2018
DA-403	Detailed Section	Jackson Teece	C	01/05/2018

The plans shall be amended to incorporate the following:

- a) The floor plans of Units B-GR-10 and B-01-10 shall be modified so as to ensure 2 hours solar access is achieved to these units in accordance with Objective 4A of the Apartment Design Guide. The east-facing bedroom shall be relocated to face south, the east-facing balcony shall be relocated so as to face predominately south and the living/dining/kitchen room shall be relocated so as to align with the eastern elevation of Building B. The unit must have a window in the eastern elevation that services the living space. The units shall not increase in size nor shall the balconies decrease in size, as a result of the required modifications.
- b) The balconies of Units E-01-01, E-01-04, E-01-05, E-01-10, E-02-01, E-02-04, E-02-05, E-02-10, E-03-01, E-03-04, E-03-05 and E-03-10 are to be increased in size to satisfy the minimum balcony sizes under Objective 4E of the Apartment Design Guide.

- c) An additional window is to be provided within the living room terrace/balcony wall of Units B-GR-08 and D-GR-01.
- 3) The acoustic report submitted in support of this application, prepared by Acoustic Logic, titled '10 Nelson Short Street, Potts Hill, DA Acoustic Service', Project No 20180200.1, Document Reference 20180200.1/0903A/RO/HC, Revision 0, dated 9 March 2018, and the conclusions/recommendations stated in the report form part of the development consent.
- 4) The nominated uses of the individual commercial tenancies are approved under this determination notice. However, no approval is granted or implied for the fitout or operation of the ancillary commercial tenancies. Separate Development Consent for the fitout and operation of the commercial floor space is required prior to occupation of that space.
- 5) Any food premises must be designed, constructed and operated in accordance with the requirements of:
- i. The *NSW Food Act 2003* and *Food Regulation 2015*;
 - ii. Australia New Zealand Food Standards Code;
 - iii. AS 1668.2-2012, 'The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings', and
 - iv. AS 4674-2004, 'Design, construction and fit-out of food premises'.

Prior to the issue of an Occupation Certificate, a pre-occupation food premises inspection is to be undertaken by Council's Environmental Health Officer.

Prior to the issue of an Occupation Certificate, a Food Premises Registration Form must be completed and submitted to Council. This form is available online at www.cbcity.nsw.gov.au

- 6) The swimming pool and/or spa pool must be designed, installed and operated in accordance with the:
- i. *Public Health Act 2010*;
 - ii. *Public Health Regulation 2012*;
 - iii. Public Swimming Pool and Spa Pool Advisory Document' (NSW Health, 2013); and
 - iv. *Local Government Act 1993*.
- 7) In order to reduce the rate of mail theft and identity fraud, the plans shall make provision for the following in relation to mailboxes:
- i. All mailbox locks installed are to be non-master keyed locks and the tail cam of the cam lock is to be a minimum of 2.5mm thick for strength;
 - ii. Mailboxes should be constructed to have flush fitting doors to minimise forcing open of the mailbox;
 - iii. Mailbox locations should be located to maximise natural and technical surveillance, and positioned so that mail can only be removed from inside the private space of a building;

- iv. CCTV surveillance cameras should be installed to include coverage of 'high volume' mailboxes.

RMS CONDITIONS

- 8) Sight distances from the proposed vehicular crossings to vehicles on Nelson Short Street are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and proposed landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- 9) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002 for heavy vehicle usage.
- 10) All vehicles are to enter and leave the site in a forward direction.
- 11) All vehicles are to be wholly contained on site before being required to stop.

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

Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:

- 12) Separate construction certificates shall be obtained for:
 - i. the excavation of the basement; and
 - ii. the construction of all other works on the site (excluding excavation of the basement).

The conditions below apply to the issue of both construction certificates, unless otherwise specified.

- 13) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 14) Approval in accordance with Council's Tree Preservation Order (TPO) is granted for the removal of the following trees:
 - i. Any tree/s growing within the building footprint of the approved structures;
 - ii. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling on the same property;
 - iii. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;

- iv. Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order;
- v. Any of the following trees, as numbered on the Tree Removal and Retention Plan LA14 Rev A dated 18.08.2017 prepared by Taylor Brammer Landscape Architects Pty Ltd:

Tree #	Tree Species	Location
Trees on Site (56)		
4	<i>Eucalyptus tereticornis</i> (Red Gum)	Mid-eastern bndy
5	<i>Casuarina cunninghamiana</i> (She Oak)	Mid-eastern bndy
6	<i>Eucalyptus tereticornis</i> (Red Gum)	Mid-eastern bndy
10	<i>Eucalyptus tereticornis</i> (Red Gum)	Southwest corner
11-14	<i>Eucalyptus microcorys</i> (Tallowwood Gum)	Southwest corner
15-16	<i>Eucalyptus microcorys</i> (Tallowwood Gum)	Mid-southern bndy
17	<i>Paraserianthes lophantha</i> (Brush Wattle)	Mid-southern bndy
18-21	<i>Eucalyptus microcorys</i> (Tallowwood Gum)	Mid-southern bndy
24-27*	<i>Eucalyptus microcorys</i> (Tallowwood Gum)	Southeast bndy
29	<i>Casuarina cunninghamiana</i> (She Oak)	Southeast corner
30-32	<i>Eucalyptus moluccana</i> (Grey Box)	Southeast corner
33	<i>Eucalyptus tereticornis</i> (Red Gum)	Southeast corner
34	<i>Paraserianthes lophantha</i> (Brush Wattle)	Southeast corner
35-36	<i>Eucalyptus moluccana</i> (Grey Box)	Southeast corner
61-65^	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Northwest corner
75&	<i>Acacia saligna</i> (Wattle)	Northwest corner
76-79&	<i>Paraserianthes lophantha</i> (Brush Wattle)	Northwest corner
80-91	<i>Paraserianthes lophantha</i> (Brush Wattle)	Southwest bndy
99	<i>Casuarina cunninghamiana</i> (She Oak)	Mid-northern bndy
127-132	<i>Eucalyptus moluccana</i> (Grey Box)	Southwest corner
Trees in Nelson Short Street (6)		
108-111, 121-122	<i>Tristanopsis laurina</i> (Water Gum)	Nelson Short St

- * Trees listed as 24-27 above, are shown as multiples of 'T19' in the Taylor Brammer Plan. Tree Nos. 24-27 are considered to be the 4 trees closest to the southern wall of Building C
- ^ There are two trees shown as T65 on the Taylor Brammer Plan. The single tree in the northeast corner shown as T65 is considered to actually be T59, and is to be retained.
- & Tree Nos. 75-79 are not numbered on the Taylor Brammer Plan. These trees are located in the northwest corner of the site.

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (WorkCover, NSW). All other vegetation not specifically identified above, and protected by Councils Tree Preservation Order, is to be retained and protected from construction damage and pruning. The Tree Preservation Order protects trees over 5m in height. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

- 15) Prior to the issue of a Construction Certificate for the construction of all other works on the site (excluding excavation of the basement) the site is to be remediated in accordance with:
 - i. The approved Remedial Action Plan, prepared by Consulting Earth Scientists Pty Ltd dated 17 August 2018, reference number CES170303-SD-AE;

- ii. *State Environmental Planning Policy No. 55 - Remediation of Land*;
- iii. The guidelines in force under the *Contamination Land Management Act 1997*; and
- iv. The conditions within the Site Audit Statement prepared by the Accredited Site Auditor Kylie Lloyd, Zoic Environmental Pty Ltd dated 27 August 2018, site audit statement number KJL196 SctB.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council in writing and the Principal Certifying Authority.

Any variation to the Remediation Action Plan must be submitted to and approved by the Accredited Site Auditor and communicated to Council in writing before substantially commenced, to determine if any proposed variation will require re-assessment under the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

- 16) Prior to issue of a Construction Certificate for the construction of all other works on the site (excluding excavation of the basement) a Validation Report must be submitted to Council and the Principal Certifying Authority. The Validation Report must be prepared in accordance with:
 - i. 'State Environmental Planning Guideline (SEPP) 55 – Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
 - ii. Relevant EPA Guidelines, noting in particular the 'Guidelines for Consultants Reporting of Contaminated Sites' (NSW Office of Environment and Heritage, 2011); and
 - iii. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan, prepared by Consulting Earth Scientists Pty Ltd dated 17 August 2018, reference number CES170303-SD-AE and the conditions within the Site Audit Statement prepared by the Accredited Site Auditor Kylie Lloyd, Zoic Environmental Pty Ltd dated 27 August 2018, site audit statement number KJL196 SctB.

The Validation Report must be audited by an NSW EPA Accredited Site Auditor.

- 17) Where the Remedial Action Plan and/or Validation Report identifies the need for the implementation of an Environmental Management Plan, the plan must be submitted to Council and the Principal Certifying Authority. The Environmental Management Plan must be approved by an Accredited Site Auditor and a Site Audit Statement must be submitted to Council prior to the issue of a Construction Certificate for the construction of all other works on the site (excluding excavation of the basement). Implementation of an Environmental Management Plan and any other conditions on the Site Audit Statement must be interpreted to form part of the consent.

- 18) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate for the erection of buildings on site, and shall generally be in accordance with the concept landscape plans prepared by TaylorBrammer, Project No. 17-048s, Revision A, dated 18 August 2017. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant. The landscape plan shall make provision for the following:

a) On-site Planting

- i. Planting of 112 x replacement tree/s known to attain a minimum height of 10 metres at maturity. One-third (37) of these trees shall be trees known to attain a minimum height of 20 metres at maturity and shall be planted through the setback zone identified on the site along Brunner Road and Graf Avenue;
 - ii. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order.
 - iii. The trees shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils standard specification.
- 19) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 20) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 21) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 22) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 23) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$776,994.41 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 24) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 25) A Construction Certificate for the construction of all other works on the site (excluding excavation of the basement) shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 26) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 27) Detailed plans of the fitout, storage areas and waste storage areas of the food preparation and associated areas for the residential aged care facility, prepared by a qualified architect, must be submitted for approval with the application for the Construction Certificate for the construction of all other works on the site (excluding excavation of the basement). These plans should indicate the following:

- i) Material and finishes of all walls, floors (including approved coving and location of floor wastes), ceilings and light fittings including the means of sealing of any gaps or crevices.
 - ii) Sections and elevations of the shelving, storage units, food display counters and the like indicating the material and finishes and the height above the floor.
 - iii) Sections and elevations of all free standing refrigerators, freezers and the like indicating wheels, plinths or approved clearance from the floor.
 - iv) Sections and elevations of all stoves, grillers, deep fryers, ovens, other food preparation or cooking equipment and the like indicating wheels, plinths or approved clearances from the floor and between each item.
 - v) Sections and elevations, materials and finishes and method of construction of the counter and other non-food display or storage units.
 - vi) Details of any air conditioning or mechanical ventilation systems existing or proposed. Such details must be prepared by a qualified practising mechanical ventilation engineer and designed in accordance with Part F 4.5 of the Building Code of Australia and Australian Standard AS 1668.2 (1991).
 - vii) Details of all washing and cleaning facilities including wash hand basins and a cleaner's sink, indicating their precise location, designated use and water and drainage connections. NOTE: All hand wash basins must be free standing.
 - viii) Details of the proposed waste storage area incorporating a waste recycling bay.
- 28) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan 17-457 Issue A, dated 24 August 2017, prepared by at&I, and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall amend the design to ensure that the layout of the stormwater plans is based on the layout for the DA approved Architectural Plans. The Engineer must include any and all necessary Subsoil drainage pipes and pump-out drainage systems required to alleviate seepage into the basement. The subsoil drainage must be connected to the OSD tanks. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 29) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the

Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate for the the construction of all other works on the site (excluding excavation of the basement).

- 30) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of the Construction Certificate for the construction of all other works on the site (excluding excavation of the basement).
- 31) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 32) An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate for the the construction of all other works on the site (excluding excavation of the basement).
- 33) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate for the construction of all other works on the site (excluding excavation of the basement). The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 34) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 35) The Construction Certificate Plans for the construction of all other works on the site (excluding excavation of the basement) shall include details of the

residential garbage receptacle area. The residential garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building and screened from the street by dense landscaping. The area should be signposted "Waste & Recycling" on the entrance doors, and the door and pathway from the waste storage room to the collection point must be at least 2500mm in width.

- 36) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

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

- 37) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 38) 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 the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued 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.

The developer shall construct all proposed works within the public road and footway under the supervision and to the satisfaction of Council. The developer shall arrange for necessary inspections by Council whilst the work is in progress.

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 39) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the north of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur

from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.

- 40) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 41) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 42) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 43) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 44) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.

- 45) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 46) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

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

- 47) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 48) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 49) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a) in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
 - b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 50) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 51) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 52) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 53) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 54) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 55) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 56) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.

- 57) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 58) Any grease trap, if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
- i. Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;
 - ii. Must not be located in any kitchen, food preparation or food storage area;
 - iii. Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - iv. Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- 59) The swimming pool is to be enclosed by a child resistant barrier comprising fences and gates designed, constructed, installed and maintained in accordance with Australian Standard 1926-2012 - Swimming Pool Safety Part 1: Safety barriers for swimming pools.

A notice containing the words "Young Children Should be Supervised When Using this Swimming Pool" and "Pool Gates Must Be Kept Closed At All Times" and "Keep Articles, Objects and Structures At Least 900 Millimetres Clear Of The Pool Fence At All Times" together with a simple flow sequence containing details of resuscitation techniques must be displayed in a prominent position in the immediate vicinity of the pool.

Overflow and discharge pipes from the pool and filtration unit must be connected to the sewer.

- 60) The proposed use of the pool / spa filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.
- 61) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.

- 62) The wastewater from the car wash bay shall be collected and disposed of, in accordance with the requirements contained in Council's Development Engineering Standards.
- 63) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 64) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 65) If unexpected soil contaminants are unearthed during excavation and/or construction works, which has the potential to alter previous conclusions made regarding potential site contamination; all work is to cease and Council notified immediately.

The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner, which is agreed to by Council, prior to the re-commencement of works.

Any new information which comes to light during works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 66) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 67) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 68) The swimming pool / spa shall not be used until Council or the PCA has issued a final Compliance Certificate.
- 69) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued,

having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.

- 70) A minimum of 214 off-street car spaces being provided in accordance with the submitted plans. This shall comprise a minimum of:

138 residential spaces (including 8 spaces for the residential care facility)
26 residential visitor spaces
18 commercial spaces
10 residential care facility staff spaces
22 accessible spaces

The accessible spaces are to be provided for people with mobility impairment in accordance with AS 2890.1.

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

- 71) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate.

For planting in Council's nature strip, investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new planting, the applicant is to:

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

The street trees shall be planted to the satisfaction of Councils Tree Management Officer. The Applicant shall contact Councils Tree Management Officer to arrange for a site inspection of the completed tree planting prior to the issue of an occupation certificate.

The landscaping shall be maintained for the life of the development.

- 72) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 73) Lighting must be provided to the entries of the buildings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

Any lighting of the premises must be installed in accordance with AS 4282-1997, 'Control of the obtrusive effects of outdoor lighting', so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

- 74) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 75) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development.
- 76) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 77) Prior to the issue of any Occupation Certificate, verification from a qualified acoustic engineer shall be submitted to the Principal Certifying Authority to verify that the development complies with the requirements of Condition 3 of this development consent, and that any measures required to be installed to comply with the requirements of that condition, have been installed.
- 78) Prior to the issue of an Occupation Certificate, a pre-occupation public health inspection is to be undertaken by Council's Environmental Health Officer.

Prior to the issue of any Occupation Certificate, a Public Swimming Pool and Spa Registration Form must be completed and submitted to Council. This form is available online at www.cbcity.nsw.gov.au

- 79) Any regulated system installed in the premises, must be installed, operated and maintained in accordance with the prescribed requirements in the *Public Health Act 2010* and *Public Health Regulation 2012*. The regulated system must be registered with Council. A registration form is available on Council's website which must be completed and submitted to Council prior to operation.
- 80) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 81) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be included on an A4-sized site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 82) The developer shall register on the title of the subject property a Restriction on the Use of Land, in accordance with the appropriate provisions of the Conveyancing Act, 1919, in the following terms:

"Accommodation on the subject site may only be provided for the following persons:

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

Seniors are defined as any of the following:

- (a) people aged 55 or more years,*
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*

People with a disability are defined as people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life."

Canterbury-Bankstown Council shall be the only authority empowered to release, vary or modify the Restriction.

The developer shall submit to Council evidence of the final registration of the Restriction on the title of the property, prior to the issue of an occupation certificate.

ONGOING CONDITIONS

- 83) The relevant parts of the premises shall be used and operated at all times as either as a residential care facility or as self-contained dwellings, in accordance with the definitions of such contained in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- 84) Accommodation on the subject site may only be provided for the following persons:
- (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Seniors are defined as any of the following:

- (i) people aged 55 or more years,
- (ii) people who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided,
- (iii) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

People with a disability are defined as people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

- 85) Noise emissions from all mechanical services / plant to the closest residential receiver shall comply with the noise emission criteria provided in Table 9 in Section 4.1.3.3 of the acoustic report entitled '10 Nelson Short Street, Potts Hill' as prepared by Acoustic Logic Pty Ltd dated 9 March 2018 (Project No 20180200.1, Document Reference 20180200.1/0903A/RO/HC, Revision 0). Details shall be provided with the Construction Certificate.
- 86) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment

Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

The operation of the premises must comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and the Noise Policy for Industry (2017) and shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).

- 87) The premises shall be operated so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby premises. In the event of Council receiving complaints and if it is considered by Council that excessive and/or offensive noise is emanating from the premises, the owner/operator shall arrange for an acoustic investigation to be carried out (by an accredited acoustic consultant) and submit a report to Council detailing the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the boarding house operator.
- 88) The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
- 89) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997*.
- 90) The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 91) To ensure that waste water is treated in an acceptable manner, a designated car wash bay must be provided and designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water.
- 92) All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of

by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.

- 93) No mobile food vending vehicles or temporary food premises must operate at the premises without prior written consent from Council.
- 94) Prior to operation, an operational plan of management shall be prepared, and a copy provided to Council for Council's satisfaction. Council may request amendments prior to acknowledgement of its satisfaction.