

CONDITIONS OF CONSENT

- 1) The development work must comply with the conditions of this Determination Notice. A Construction Certificate must not be issued until the drawings and specifications satisfy the required technical standards and the consent conditions of this Determination Notice. In the event of an inconsistency between this Determination Notice, the approved plans and supplementary documentation, this Determination Notice shall prevail.
- 2) Development shall take place in accordance with Development Application No. DA-1213/2017, submitted by Anglican Community Services, accompanied by the plans as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Plan No.	Plan Title	Revision	Dated	Prepared by
DA.S.01	Site – Locality / Context	DA1	29.01.19	Brickerton Masters
DA.S.06	Site – Overall Site Plan	DA1	29.01.19	Brickerton Masters
DA.S.07	Site Plan – Basement Levels	DA1	29.01.19	Brickerton Masters
DA.S.08	Site Plan – Ground Levels	DA1	29.01.19	Brickerton Masters
DA.S.09	Site Plan – Roofs	DA1	29.01.19	Brickerton Masters
DA.S.10	Site Elevations 1	DA1	29.01.19	Brickerton Masters
DA.S.11	Site Elevations 2	DA1	29.01.19	Brickerton Masters
DA.S.12	Site Sections 1	DA1	29.01.19	Brickerton Masters
DA.S.13	Site Sections 2	DA1	29.01.19	Brickerton Masters
DA.S.14	Site Plan – Building Setbacks & Spacing	DA1	29.01.19	Brickerton Masters
DA.S.15	Landscape & Open Space Areas	DA3	1.10.19	Brickerton Masters
DA.S.61	Materials & Fenestration – Sample Images	DA1	29.01.19	Brickerton Masters
DA.RC.01	RC Building – Part Site Plan	DA2	25.09.19	Brickerton Masters
DA.RC.02	RC Building – Floor Plan - Basement	DA3	1.10.19	Brickerton Masters
DA.RC.03	RC Building – Floor Plan – Ground Level	DA2	25.09.19	Brickerton Masters
DA.RC.04	RC Building – Floor Plan – Level 1	DA2	25.09.19	Brickerton Masters
DA.RC.05	RC Building – Floor Plan – Roof Plan	DA2	25.09.19	Brickerton Masters
DA.RC.11	RC Building – Elevations – Sheet 1	DA2	25.09.19	Brickerton Masters
DA.RC.12	RC Building – Elevations – Sheet 2	DA2	25.09.19	Brickerton Masters
DA.RC.13	RC Building – Sections	DA2	25.09.19	Brickerton Masters
DA.RL.101	Building A-B – Basement Plan	DA1	29.01.19	Brickerton Masters

DA.RL.102	Building A-B – Ground Floor Plan	D	1.10.19	Brickerton Masters
DA.RL.103	Building A-B – Upper Floor Plan	D	1.10.19	Brickerton Masters
DA.RL.104	Building A-B – Roof Plan	C	1.10.19	Brickerton Masters
DA.RL.105	Building A-B – Elevations & Sections - Sheet 1	DA1	29.01.19	Brickerton Masters
DA.RL.106	Building A-B – Elevations & Sections - Sheet 2	DA1	29.01.19	Brickerton Masters
DA.RL.107	Building A-B – Elevations & Sections - Sheet 3	DA1	29.01.19	Brickerton Masters
DA.RL.201	Building C-D	D	1.10.19	Brickerton Masters
DA.RL.202	Building C-D – Roof Plan	C	1.10.19	Brickerton Masters
DA.RL.203	Building C-D – Elevations & Sections - Sheet 1	DA1	29.01.19	Brickerton Masters
DA.RL.204	Building C-D – Elevations & Sections - Sheet 2	DA1	29.01.19	Brickerton Masters
DA.RL.205	Building C-D – Elevations & Sections - Sheet 3	DA1	29.01.19	Brickerton Masters
DA -1841-01	Landscape Plan	B	21.01.2019	Sturt Noble Associated
DA -1841-02	Building B Landscape	A	20.12.2018	Sturt Noble Associated
DA -1841-03	Building A Landscape	B	21.01.2019	Sturt Noble Associated
DA -1841-04	RC Building Landscape	B	21.01.2019	Sturt Noble Associated
DA -1841-05	Building D Landscape	A	20.12.2018	Sturt Noble Associated
DA -1841-06	RC Courtyards Landscape	B	21.01.2019	Sturt Noble Associated
DA -1841-07	Building A Podium	A	20.12.2018	Sturt Noble Associated
DA -1841-08	RC Building Podium	A	20.12.2018	Sturt Noble Associated
DA -1841-09	Planting Schedule	A	20.12.2018	Sturt Noble Associated
DA -1841-10	Planting Schedule	A	20.12.2018	Sturt Noble Associated
DA -1841-11	Rip Rap Location and Detail	A	20.12.2018	Sturt Noble Associated
20171042.1/1710AR1/RL	Milperra Village, DA acoustic assessment	-	17 October 2017	Acoustic Logic Pty Ltd

CPM191218 NG	Bullecourt Avenue RAC – DA noise assessment	-	19 December 2018	Wilkinson Murray Pty Ltd
-	Remediation action plan, former Bankstown Golf Course Driving Range, corner of Bullecourt Avenue and Bullecourt Lane, Milperra NSW 2214	-	1 September 2020	Environmental Consulting Services Pty Ltd

The approved architectural plans and relevant accompanying documentation shall be amended as follows:

- a) The door providing access between the common hallway and the balcony of Unit C.12 is to be deleted to ensure the balcony is not used for any communal purpose.
- b) Suitably designed privacy screening is to be shown on Construction Certificate plans and installed prior to the issue of any relevant Occupation Certificate to the balustrade of the balconies of Units C.12 and C.13 so as to restrict opportunities for direct overlooking into neighbouring properties.
- c) Screening to the ground floor drying court of Building C to incorporate louvres that are fixed at an angle that restricts views towards the residential properties to the west. Such screening is to be installed prior to the issue of any relevant Occupation Certificate.

The approved landscape plan shall be amended as follows:

- d) The landscape plan must include a provision for the replacement of all existing boundary fencing where such fencing does not reach a height of 1.8 metres and/or is not of suitable quality or standard. Replacement fencing must be 1.8 metres high unless otherwise shown on the approved drawings or as stipulated within this Determination Notice. The materials and colours of the fence must be complimentary to the style and colours of the development. Fencing forward of the building line along Bullecourt Avenue or Bullecourt Lane must not be greater than 1 metre and must not obstruct sightlines at intersections or vehicle crossings, in accordance with AS/NZS 2890.1:2004. All costs related to fencing must be borne by the person having the benefit of this Determination Notice.
- e) Dense landscaping, including trees, are to be planted so as to achieve a height of 8 metres at maturity, along the western boundary of the site for the length of the boundary that is adjacent to the drying court and Units C.12 and C.13 so as to restrict opportunities for direct overlooking into neighbouring properties. Such plantings are to be shown on an amended landscape plan prior to the issue of any relevant Construction Certificate.

- 3) A construction management plan is to be prepared and submitted to Council for approval prior to the issue of any Construction Certificate. The plan is to outline the sequencing of the development, and is to address matters including, but not limited to, pedestrian safety, vehicular access, management of car parking, dust suppression, and mitigation of noise impacts during excavation and construction.
- 4) The acoustic report submitted in support of the development application prepared by Acoustic Logic Pty Ltd, titled '*Milperra Village, DA acoustic assessment*' dated 17 October 2017, reference: 20171042.1/1710A/R1/RL and supporting letter submitted by Wilkinson Murray Pty Ltd, titled '*Bullecourt Avenue RAC – DA noise assessment*' dated 19 December 2018, reference: CPM191218 NG and the noise attenuation recommendations detailed within the reports, forms part of the development consent for all stages of development.
- 5) The decommissioning and removal of the underground petroleum storage system/s must be supervised by a duly qualified person and undertaken in accordance with, but not limited to:
 - a) *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*; and
 - b) AS 4976-2008, 'The removal and disposal of underground petroleum storage tanks'.
 - c) UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS (NSW EPA, 2010)

A validation report must be prepared by a duly qualified person in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. The validation report must be provided to Council no later than 60 days after the underground petroleum storage system's removal and remediation.

- 6) This Determination Notice does not authorise the use of a crane or crane facilities on site during any stage of works. Separate authorisation is to be received from Sydney Metropolitan Airports prior to the erecting of any crane on site.

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

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

- 7) The Principal Certifier (PC) must ensure that any certified plans forming part of any Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 8) Prior to the issue of any Construction Certificate, the site is to be remediated in accordance with:
 - a) The approved Final remedial action plan, prepared by Environmental Consulting Services Pty Ltd, titled 'Remediation action plan, former

- Bankstown Golf Course Driving Range, corner of Bullecourt Avenue and Bullecourt Lane, Milperra NSW 2214' dated 1 September 2020;
- b) *State Environmental Planning Policy No. 55 - Remediation of Land*; and
 - c) The guidelines in force under the *Contamination Land Management Act 1997*.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

Any variations to the approved remediation action plan must be submitted to and approved in writing by Council prior to the continuing of such work.

- 9) Prior to the issue of any Construction Certificate for self-contained dwellings for the purpose of aged care housing, the Principal Certifier (PC) must ensure that all relevant plans comply with the standards for self-contained dwellings, as specified in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 except where specified under cl. 41(2) of the abovementioned EPI.
- 10) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 11) Approval is granted for the removal of the following trees:
 - a) 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;
 - b) 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;
 - c) Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
 - d) Any of the following tree/s:
 - i. All trees identified to be removed in the Arboricultural Impact Assessment Report Version 2, Dated 22 January 2019, Prepared by Stuart Noble Arboriculture, Figure 4 Impact assessment, including the removal of Tree No. 22 Spotted Gum (*Corymbia maculata*) and Tree No. 23 White Feather Honey Myrtle (*Melaleuca decora*) from the Council road reserves.

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction

damage and pruning. The Tree Management Order protects trees over 5m in height.

- 12) A Soil Erosion and Sedimentation Control Plan must be prepared prior to the issue of any Construction Certificate. The plan must be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 and approved by the Principal Certifier. It must show north point (true north); scale (ratio and bar scale); date, plan number, revision number (where relevant) and name of person who prepared the plan, their contact details and professional qualifications; contours (initial and final); existing and proposed boundaries; 'site' or 'disturbed area'; location of stockpiles and secure chemical storage area; location of temporary and permanent Soil and Water Management Controls; vehicle access point/s; location of drains, downpipes, pits and watercourses; proposed integration with on-site detention/infiltration; and stormwater discharge point (if proposed). The plan must state that the capacity and effectiveness of erosion and sediment control devices must always be maintained throughout the construction period.

- 13) Prior the issue of any Construction Certificate, the Council approved plans, including demolition plans must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Water Tap in™

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™.

Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate drawings must be stamped by a Water Servicing Coordinator.

- 14) Prior to the issue of any Construction Certificate, all fees, levies, bonds and/or contributions as required by this Determination Notice of the development must be paid to the relevant authority/entity.
- 15) A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation.
- 16) Prior to the issue of any Construction Certificate, a Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) One (1) medium duty VFC at the property boundary to Bullecourt Avenue and one (1) medium duty VFC at the property boundary to Bullecourt Lane.
 - b) Drainage connection to Council's system.
 - c) Concrete footway paving along the site's entire frontage to Bullecourt Avenue and both east and west sides of Bullecourt Lane, as well as pram

ramps, refuge island and pedestrian paths associated with the development (as referenced in Condition 18 of this Determination Notice.)

- d) Full construction of Bullecourt Lane with all associated civil and stormwater works.
- e) Concrete kerb and gutter long the site's entire frontage to Bullecourt Avenue and both east and west sides of Bullecourt Lane.
- f) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- g) Repair of any damage to the public road including the footway occurring during development works.
- h) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 17) 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.
- 18) In accordance with Condition 16 of this Determination Notice, and prior to the issue of any Construction Certificate, the applicant is to provide council (Tree Management) with a design for the proposed footpath forward of the property for approval prior to installation. The applicant must work with the consulting arborist (or any other suitably qualified arborist) during the design stage to ensure the proposal minimises any long-term impacts that may occur from the installation of the required pathway. Matters for consideration to be addressed in the design are below.

The design for the footpath forward of 27 Bullecourt Avenue, Milperra, shall comply with the following requirements:

- a) The footpath shall be constructed on the existing soil level, there is to be no regrading;
- b) No excavation and soil level changes are permitted within the TPZ and SRZ, with the exception of minor works deemed to be satisfactory to the project arborist that will minimise the long-term impacts to the existing street trees.
- c) No tree roots greater than 25 mm in diameter are to be severed or damaged. Any tree root pruning works shall be carried out by a qualified arborist (minimum qualification AQF Level 5 or equivalent), and roots are to be cut cleanly and not torn or ripped by machinery.

Once the design has been submitted and approved by council, conditions for the construction can be provided.

- 19) Finished surface levels of all internal works and at the street boundaries, 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.
- 20) 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 Certifier (PC) for approval prior to the issue of a construction certificate for the construction of all other works on the site (excluding excavation of the basement).
- 21) 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, and parking bay dimensions should be in accordance with the AS 2890 parking series.

Furthermore, 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 Certifier prior to the issue of any relevant Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. 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.

- 22) Prior to the issue of any relevant Construction Certificate, relevant plans must demonstrate that the new bus stop pads, bus zone and any related infrastructure, when constructed, will be compliant with the following:
 - a) Disability Standards as part of the *Disability Discrimination Act*; and
 - b) Bus Infrastructure Guide and Australian Road Rules.
- 23) Prior to the issue of any relevant Construction Certificate, the applicant is to submit a final plan for the pedestrian refuge island to demonstrate compliance with design requirements of Australian Standards, Transport for NSW standards and Council's Design Specifications.

The plan is to be brought to Council's Traffic Committee for approval prior to the issue of any Occupation Certificate with all nominated works being completed prior to the issue of any Occupation Certificate. As such, it is recommended the plans be submitted to Council well in advance of the need for an Occupation Certificate.

- 24) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the

BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 16116 – DA C01 to C27, rev H dated 26/09/2019 prepared by SITEPLUS PTY. LTD. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 25) The subject site is located adjacent to Council's drainage easement is affected by local overland flooding and shall comply with the following:
- a) The proposed buildings including eaves and gutters shall be located clear of existing and proposed Council easements within the site. Amended plans to this effect shall be submitted to the Principal Certifier (PC) prior to the issue of any relevant Construction Certificate. All approved construction details shall be consistent with this requirement. Proposed buildings shall be located clear of floodways through the site.
 - b) Concrete pier and beam type footings shall be provided for all structures adjacent to Council's stormwater pipe/easement in accordance with the requirements contained in Council's Development Engineering Standards. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of any Construction Certificate. A copy of the approved details together with a report prepared by a registered surveyor showing location, size and depth of the stormwater system, shall be sent to Council for information.
 - c) The minimum floor level of the proposed structure(s) shall be constructed in accordance with Table 5.1 of the Stormwater Management, Flood Study Flood Risk Management Report, prepared by SITPLUS PTY.LTD dated January 2019. All approved construction details shall be consistent with this requirement.
 - d) Landscaping within Council's drainage easement/the overland flowpath shall be limited to grassed or paved surfaces only. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PC prior to the issue of any relevant Construction Certificate. A copy of the approved landscaping details shall be submitted to Council for information.
 - e) For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary, in accordance with the requirements contained in Council's Development Engineering Standards. Details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PC prior to the issue of any Construction Certificate. A copy of the approved details shall be submitted to Council for information.
- 26) A 3.0m wide drainage easement shall be registered on the title of the property to cover the entire length of existing 750mm Ø Council pipe within the site where the centreline of the pipe shall be centrally position within the easement. The existing drainage channel along the northern boundary line of the site connecting

existing Council's stormwater pipes at either end must be permanently registered on title with Land and Property Information to ensure the owners are aware of the system's design parameters, existing condition, location and their obligation to maintain it.

- 27) Retaining walls exceeding 600mm in height must be designed by a professional engineer as defined in the National Construction Code (NCC). These drawings and details, prepared and signed by the Engineer, must be submitted to the Principal Certifier (PC) prior to the issue of the Construction Certificate for approved remediation works.

All work associated with the construction of the wall, including backfilling and stormwater drainage, must be located wholly within the development site.

- 28) Prior to the issue of any relevant Construction Certificate of 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 relevant 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.

- 29) Prior to the issue of any relevant Construction Certificate of 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.

- 30) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, Council requires the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any relevant Construction Certificate for 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.

- 31) All relevant Construction Certificate plans shall make provision for the following in relation to mailboxes to ensure safety and security of postal services:
- a) 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;
 - b) Mailboxes should be constructed to have flush fitting doors to minimise forcing open of the mailbox;
 - c) 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;
 - d) CCTV surveillance cameras should be installed to include coverage of 'high volume' mailboxes.
- 32) A Construction Certificate shall not be issued until design verification from a qualified designer has been received for the relevant stage of the development. 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.
- 33) The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificates. The BASIX commitments must be reflected in the Construction Certificate drawings and specifications. Any proposed changes to the BASIX commitments after the issue of any relevant Construction Certificate will require an updated BASIX Certificate and a new Construction Certificate.
- 34) Any relevant Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 35) Prior to the issue of any relevant Construction Certificate, the person with the benefit of this Determination Notice is to provide Council with an up-to-date waste management plan that identifies all waste disposal and recycling contractors engaged for the management of demolition and construction waste.
- 36) Prior to the issue of any relevant Construction Certificate, the person with the benefit of this Determination Notice is to submit to the Principal Certifier (PC) a report demonstrating compliance with the following:

Part B4 of BDCP 2015 specifies the following requirements:

- W1 – Water efficient fixtures must be installed;
- W2 – A Site Water Management Plan must be prepared;
- E3 – An Energy Performance Report must be prepared.

PRIOR TO THE COMMENCEMENT OF WORKS

- 37) A Construction Certificate is required for the erection of a building in accordance with this Determination Notice.

This Determination Notice does not authorise building work until a Certifier has been appointed as the Principal Certifier (PC) for the work by (or with the approval of) the person having the benefit of this Determination Notice or other person authorised by the regulations.

The following requirements apply before the commencement of building work in accordance with this Determination Notice:

- a) the PC has, no later than 2 days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of his or her appointment as the PC,
 - b) the PC has, no later than 2 days before the building work commences, notified the person having the benefit of this Determination Notice of any inspections that are required to be carried out in respect of the building work,
 - c) the person carrying out the building work has notified the PC that the person will carry out the building work as an owner-builder, if that is the case,
 - d) the person having the benefit of this Determination Notice, if not carrying out the 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 involve, and
 - ii. notified the PC of the appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
 - e) the person having the benefit of this Determination Notice has given at least a 2-day notice to the Council, and the PC if not the Council, of the person's intention to commence the erection of the building.
- 38) 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 that Act and that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 39) Residential development work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier (PC) 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 PC 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 carried out 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.
- 40) If arrangements for carrying out the residential development work are changed while the work is in progress, further work must not be carried out unless the Principal Certifier (PC) for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- 41) Existing trees and property within the vicinity of the development site or paths of travel of construction vehicles accessing the development site that are to be retained must be protected with temporary fencing. This must be of a type that prevents injury to tree roots, placed 2 metres away from the trunk base of the existing tree to prevent damage during construction and retained in accordance with Council's Tree Preservation Order (TPO). There must not be any stockpiling of materials within the 2-metre fenced zone whilst the construction of the development work is being undertaken and must always be maintained throughout the construction period.

The following tree/s shall be retained and protected from removal and damage for the duration of the development:

All trees identified in the Arboricultural Impact Assessment Report Version 2, Dated 22 January 2019, Prepared by Stuart Noble Arboriculture, Figure 5 Tree retention plan. Tree protection measures are to be applied as per all parts of section, 6.0 Tree Protection Recommendations. It is specifically recommended a site-specific Tree Protection Plan (TPP) is prepared to guide the construction process to ensure all trees designated for retention remain as a sustainable part of the landscape in the long term.

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

- a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- c) A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at the required measurements in metre radius from the trunk of the identified trees). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be

- installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;
- d) The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - i. The Development Consent number;
 - ii. The name and contact phone number of the consultant arborist / site manager (nominate whoever is applicable);
 - iii. The purpose of the protection zone;
 - iv. The penalties for disregarding the protection zone;
 - e) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
 - f) All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
 - g) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
 - h) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
 - i) If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.
- 42) Erosion and sediment control measures must be installed in accordance with the drawings accompanying any relevant Construction Certificate. The capacity and effectiveness of the erosion and sediment control devices must always be adequately maintained throughout the construction period.
- 43) Prior to the issue of any relevant Construction Certificate on the site, an acid sulfate soils management plan is to be submitted to Council. The management plan is to be in accordance with the Acid Sulfate Soils Manual.
- 44) Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site
- 45) 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.
- 46) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that applicants apply early 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 can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au >

Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.

- 47) A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.
- 48) 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 work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of development work.
- 49) A sign must be erected in a prominent position at the development site and must clearly show the following information:
 - a) the name, address and telephone numbers (both during and outside of normal working hours) of the Principal Certifier (PC) for the work,
 - b) the name of the licenced builder / owner-builder and a telephone number on which that person may be contacted outside working hours, and
 - c) that unauthorised entry to the development site is prohibited.

Any such sign must be maintained while the development work is being carried out and must be removed when the development work has been completed.

- 50) The demolition of all structures on the property must be undertaken in accordance with all the following:
 - a) Written notice must be issued to adjoining residents a minimum of seven (7) days prior to the commencement of demolition advising of the commencement date,
 - b) Written notice must be issued to Council for inspection a minimum of (7) days prior to the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,
 - c) Inspections being undertaken by Council including:
 - i. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and prior to demolition work commencing, and
 - ii. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,
 - d) Payment of an inspection fee at Council's current rate must be paid prior to inspection. Council requires 48 hours' notice to carry out an inspection,

- e) A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,
- f) All demolition work must be carried out in accordance with Australian Standard 2601-2001 – The Demolition of Structures,
- g) Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,
- h) An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work,
- i) Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,
- j) Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal, and
- k) Adhere to the requirements stipulated in the approved Waste Management Plan.
- l) The hours of demolition work must be restricted to between 7.00am and 6.00pm on weekdays, and 7.00am and 1.00pm on Saturdays. No demolition work can be carried out on Sundays, public holidays and weekends (Saturdays and Sundays) adjacent to public holidays.

A copy of the final demolition inspection report must be submitted to the Principal Certifier prior to the commencement of any construction work.

DURING CONSTRUCTION

- 51) The development work must be carried out in accordance with the requirements of the National Construction Code (NCC).
- 52) In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

Note: Council may also request that a NSW EPA Accredited Site Auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

- 53) Any excavation works carried out on site are to be closely monitored to ensure no signs of potential acid sulfate soil or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clay materials, unusual gold-yellow

mottling or 'rotten egg' odours. If any of these indicators are observed, excavation on the site must be stopped immediately with Council being immediately notified. A suitably qualified environmental consultant must be contracted to further assess the site before works may resume.

- 54) Any food premises must be designed, constructed and operated in accordance with the requirements of:
- a) The *NSW Food Act 2003* and *Food Regulation 2015*;
 - b) Australia New Zealand Food Standards Code;
 - c) AS 1668.2-2012, 'The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings', and
 - d) AS 4674-2004, 'Design, construction and fit-out of food premises'.

Prior to the issue of an Occupation Certificate (Stages 1B, 2 & 3), a pre-occupation food premises inspection is to be undertaken by Council's Environmental Health Officer.

- 55) Any grease trap, if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
- a) Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;
 - b) Must not be located in any kitchen, food preparation or food storage area;
 - c) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - d) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- 56) 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.
- 57) Erosion and sediment control measures must be installed in accordance with the drawings accompanying any Construction Certificate and the capacity and effectiveness of the erosion and sediment control devices must always be adequately maintained throughout the construction period.
- 58) The hours of site work must be restricted to between 7.00am and 6.00pm on weekdays, and 7.00am and 1.00pm on Saturdays. No site work can be carried out on Sundays, public holidays and weekends (Saturdays and Sundays) adjacent to public holidays.
- 59) There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

- 60) A report as prepared by a registered surveyor must be submitted to the Principal Certifier (PC) prior to the construction of any floor level of the development verifying that the proposed finished floor level and the wall setbacks to the property boundary conform to the approved drawings.
- 61) All civil and stormwater engineering work must be carried out in accordance with Council's Bankstown Development Engineering Standards - Stormwater Disposal Controls. All civil and hydraulic engineering work associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 62) Works on downstream/adjoining properties is to be carried out in accordance with the following:
- a) The owners of downstream property shall be given at least seven (7) days notice in writing of intention to commence work within their property, together with particulars of the proposed work.
 - b) Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
 - i. Preserve and protect such building from damage; and
 - ii. If necessary underpin and support such buildings.
 - c) Restoration of drainage works in shall be to the satisfaction of the owners of the property/these properties.
- 63) All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to an adjoining property, all necessary repairs or suitable agreement for such repairs must be undertaken by the person having the benefit of this Determination Notice in consultation with, and with the approval of, the affected property owner as soon as practical. All costs associated in achieving compliance with this condition must be borne by the person having the benefit of this Determination Notice.
- 64) If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this Determination Notice must, at the person's own expense:
- a) Protect and support the building, structure or work from possible damage from the excavation, and
 - b) Where necessary, underpin the building, structure or work to prevent any such damage.

This consent condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- 65) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

- 66) Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste classification guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be included within the validation report.

All imported fill must be compatible with the existing soil characteristics of the site.

- 67) Any soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the 'Waste classification guidelines' (NSW EPA, 2014) prior to off-site disposal.
- 68) Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.
- 69) 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.
- 70) The stormwater drainage system must be constructed in accordance with Bankstown Development Engineering Standards - Stormwater Disposal Controls and the engineering plans and details approved by the Certifier. Should any existing underground stormwater drainage pipes, which carry flow from upstream properties be encountered during construction, then the stormwater flow and the stormwater pipes must be re-routed around the proposed building or structures. All costs must be borne by the person having the benefit of this Determination Notice. A final detailed stormwater drainage design must be certified by a professional engineer (as defined in the NCC) stating that it complies with Council's relevant stormwater disposal controls, the BASIX Certificate and the relevant Australian Standards.
- 71) Any replacement fencing must be 1.8 metres high unless otherwise shown on the approved drawings or as stipulated within this Determination Notice. Fencing forward of the building line shall be no higher than 1.0 metre unless otherwise approved by Council. All costs related to fencing must be borne by the person having the benefit of this Determination Notice.
- 72) Any lighting of the premises must be installed in accordance with AS 4282-2019, '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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE

- 73) The occupation or use of any building or structure shall not commence unless an Occupation Certificate has been issued for the relevant stage of development.
- 74) An Occupation Certificate must not be issued until all conditions relating to demolition, construction (where applicable) and site works have been satisfied for the relevant stage of development and Council has issued a Work Permit Compliance Certificate (where applicable).
- 75) Prior to the issue of any Occupation Certificate, the proponent must submit a detailed validation report to Council and the principal certifying authority.

The validation report must be prepared in accordance with:

- a) 'State Environmental Planning Guideline (SEPP) 55 – Remediation of land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
- b) Relevant EPA Guidelines, noting in particular the 'Guidelines for consultants reporting of contaminated sites' (NSW Office of Environment and Heritage, 2011); and
- c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The validation report must be prepared or reviewed and approved by an appropriately qualified environmental consultant.

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 the approved Final remedial action plan, prepared by Environmental Consulting Services Pty Ltd, titled 'Remediation action plan, former Bankstown Golf Course Driving Range, corner of Bullecourt Avenue and Bullecourt Lane, Milperra NSW 2214' dated 1 September 2020

- 76) The Principal Certifier (PC) shall obtain an acoustic validation report from an accredited acoustic consultant, stating that the recommendations outlined in the acoustic reports prepared by Acoustic Logic Pty Ltd, titled 'Milperra Village, DA acoustic assessment' dated 17 October 2017 and Wilkinson Murray Pty Ltd, titled 'Bullecourt Avenue RAC – DA noise assessment' dated 19 December 2018 have been implemented and that relevant noise criteria has been satisfied for relevant portions of the development, prior to the issue of any Occupation Certificate for relevant stage of the development. A copy of the acoustic validation report shall be provided to Council prior to the issue of any Occupation Certificate.
- 77) Landscaping is to be installed in accordance with the landscape plans for all areas where works are completed, prior to the issue of any Occupation Certificate. All works and methods nominated and materials and plants specified on the approved

landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

- 78) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. All lighting must be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 79) The buildings must be readily identified from the street with the allocated house numbers. An official "house numbering" letter is issued to the applicant indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted.
- 80) A report as prepared by a registered surveyor must be submitted to the Principal Certifier (PC) verifying that the RL of finished floor level at each level, the height of external walls, the maximum RL of roof structures/roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans prior to the issue of any relevant Occupation Certificate.
- 81) The works in Bullecourt Avenue referred to in Condition 23 of this Determination Notice must be completed to the satisfaction of Council prior to the issue of any Occupation Certificate (including an interim Occupation Certificate).
- 82) A minimum of 137 off-street car spaces being provided in accordance with the submitted plans. This shall comprise a minimum of:
 - 82 residential spaces
 - 33 residential visitor spaces
 - 22 staff spaces

Of these 137 spaces, 11 are to be designed and reserved for accessible use.

The premises are to provide for one (1) ambulance bay.

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.

- 83) 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 any Occupation Certificate for relevant stages of development.
- 84) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed stormwater 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 stormwater system.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of any relevant Occupation Certificate.

- 85) Final registration of easements relevant to the development shall be finalised prior to the issue of any Occupation Certificate or occupation of the site.
- 86) Prior to the issuing of any Occupation Certificate on site, the existing drainage channel along the northern boundary line of the site connecting existing Council's stormwater pipes at either end must be permanently registered on title with Land and Property Information to ensure the owners are aware of the system's design parameters, existing condition, location and their obligation to maintain it.

Council requires that the design parameters, existing condition, location and maintenance requirements are registered in the form of both a Restriction On The Use Of Land and a Positive Covenant (terms as shown below) on the title of the land prior to occupation of the development, issue of an Occupation Certificate or issue of a subdivision certificate for the development, whichever comes first.

The developer must supply Council with evidence of the Instrument setting out the terms of the Restriction On The Use Of Land and Positive Covenant have been created pursuant to Section 88B or Section 88E of the *Conveyancing Act, 1919*. The location of the existing channel shall be shown on the Deposited Plan or included as a site plan attached to the appropriate documents, which may be obtained from the LPI.

- 87) The standard terms of the Positive Covenant Under s88B shall benefit Canterbury Bankstown City Council or under s88E shall nominate Canterbury Bankstown City Council the Prescribed Authority and shall read as follows:
 1. The registered proprietor, in respect to the existing open Drainage Channel hereinafter called the "System" on the land so burdened, will:
 - a) Permit stormwater runoff and overland flow path to flow through and/or across (downstream) the site by the system.
 - b) Keep the system clean and free from silt, rubbish and debris.
 - c) Maintain and repair the system so that it functions in a safe and efficient manner.
 - d) Replace, maintain, repair, alter and renew the whole or parts of the system within the time and in the manner, if directed in a written notice issued by Council.
 - e) Carry out the matters referred to in paragraphs (b), (c) and (d) at the registered proprietor's expense.

- f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this clause.
 - g) Comply with the terms of any written notice by the Council in respect to the requirements of this clause and within the time stated in the notice.
2. In the event the registered proprietor fails to comply with the terms of any written notice served in respect of the matters in clause 1, the Council or its authorised agents may enter with all necessary equipment and carry out any work required to ensure the safe and efficient operations of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover any costs of legal proceedings and entry of a covenant charge on the land under Section 88F of the Conveyancing Act 1919. In carrying out any work under this clause, the Council must take reasonable precautions to ensure the land will be disturbed as little as possible.
- 88) The standard terms of the Restriction On The Use Of Land Under (s) 88B shall benefit Bankstown City Council or under (s) 88E shall nominate Canterbury Bankstown City Council the Prescribed Authority and shall read as follows:

The Proprietor of the lot burdened must not:

- a) Erect, construct or place any building or other structure and/or,
 - b) Make alterations to the ground surface levels or any other structure associated with the system within the land so burdened, without the prior written consent of Canterbury Bankstown City Council.
- 89) Prior to the issue of any relevant Occupation Certificate of the development, the developer shall register on the title of the entirety 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 any relevant Occupation Certificate.

- 90) Prior to the issue of any relevant Occupation Certificate, the Council must be provided with written evidence that a restrictive covenant, on terms as shown in italics below, has been registered over the land to which this development consent relates in accordance with section 88E of the Conveyancing Act 1919.

Where the land the subject of this covenant is used in accordance with development consent No. DA-703/2018 the dwellings on the land are to be:

- a. used for the purpose of affordable housing (as defined in the Environmental Planning and Assessment Act 1979); and
- b. managed by a registered community housing provider (as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009).

The registered proprietor of the subject land is to provide to Council, on written request, written evidence of how the terms of this restriction are being met.

- 91) The Section 73 compliance certificate under the *Sydney Water Act, 1994* must be submitted to the principal certifying authority before the issue of any relevant Occupation Certificate.
- 92) The person with the benefit of this Determination Notice is to provide Council with reasonable evidence of a Trade Waste Service Agreement prior to the issue of any relevant Occupation Certificate.
- 93) Prior to the issue of any relevant 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 relevant Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 94) Prior to the issue of any relevant Occupation Certificate a Food Premises Registration Form must be completed and submitted to Council. A registration

form is available on Council's website which must be completed and submitted to Council prior to operation.

- 95) Prior to the issue of any relevant Occupation Certificate, the owner / person with the benefit of this Determination Notice shall submit to Council for approval, the design of a photographic display and of history of Milperra and the Milperra Soldier's Settlement within the foyer / entryway of Building D (RCF). This display is to provide information to residents and visitors of the community and the Milperra Soldier's Settlement.

The display, after approval from Council is to be installed prior to the issue of an Occupation Certificate.

CONDITIONS OF USE OF ALL STAGES OF DEVELOPMENT

- 96) Prior to operation of any stage of the development, 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. The plan of management must make specific provision for the availability of car parking at shift changeover for staff of the residential aged care facility, in order to ensure that staff do not need to park in nearby streets.

- 97) 137 off street car spaces being provided in accordance with the submitted plans. This shall comprise:

- 82 residential spaces
- 33 residential visitor spaces
- 22 staff spaces

11 of the above car parking 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.

In addition to the above, one ambulance bay is to be available on the premises at all times. No parking is to be permitted within the ambulance bay with signposting to reflect this restriction being clearly visible.

- 98) 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.
- 99) 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.

- 100) The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 101) 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 owner/operator of the premises.
- 102) 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' (NSW EPA, 2017) and shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act, 1997*.
- 103) 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).
- 104) 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.

- 105) 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.
- 106) Waste operations on site are to be managed so as to comply with relevant provisions of the Bankstown Development Control Plan 2015, Part B13 – Waste Management and Minimisation and are subject to the following requirements:
- a) All waste and recycling collection services for this development shall be provided by a private contractor.
 - b) All waste and recycling shall be collected on-site within the property boundary.
 - c) The development is to be designed, constructed and operated in accordance with Section 5 Part B13 of the Bankstown DCP 2015.
 - d) Waste collection frequency for this development is to be a minimum of once per week.
 - e) All waste and recycling generated by this development is to be managed in accordance with the operational Waste Management Plan.
- 107) Any CCTV footage is to be collected (with back-up) and kept for 31 days and be made available upon request by police for investigative purposes.
- 108) All relevant 24/7 contact details must be clearly displayed at the main office area of the location and noticeboards as outlined in the Plan of Management, especially in the event of an 'after hours' emergency situation.
- 109) The provided Emergency Management Plan is to be easily accessible (while kept in a secure location) and made available to Police in the event of an emergency situation.