

## ATTACHMENT A

### 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-384/2018, submitted by Chris Khoury, accompanied by the Drawings 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.

Drawing No.	Drawing Title	Issue	Date	Prepared By
A1-04	Site/Demolition Plan	F	15/03/2019	CK Design
A1-09	Basement Floor Plan	E	23/11/2018	CK Design
A1-10	Ground Floor Plan	F	15/03/2019	CK Design
A1-11	First Floor Plan	F	15/03/2019	CK Design
A1-12	Roof Plan	F	15/03/2019	CK Design
A1-13	Elevations	F	15/03/2019	CK Design
A1-14	Elevations	F	15/03/2019	CK Design
A1-15	Sections	F	15/03/2019	CK Design
A1-20	Schedule of Finishes	E	23/11/2018	CK Design
A1-21	Schedule of Finishes	E	23/11/2018	CK Design
A1-22	Fence Details	E	23/11/2018	CK Design

The development plans shall be amended as follows:

- a) The footprint of Block E shall be relocated 1.5 metres further to the east to achieve a setback of 3.0 metres to the western (side) boundary. The planter bed in-between Block D and Block E shall be deleted to ensure adequate pedestrian access is maintained to the boarding rooms. The awnings over the entry of the boarding rooms in Block D and Block E shall be modified, if required, to reflect the reduced separation between the blocks. The area to the west of Block E shall comprise of pervious landscaping, including buffer/screen planting, to ensure this area cannot be used as communal open space and to increase visual and acoustic privacy towards the west. The amended plans shall be submitted to Council for approval prior to the issue of a Construction Certificate, and the Construction Certificate plans shall reflect these requirements.
- b) Sight lines to pedestrians shall be shown on the site plan at the driveway entry/exit, in accordance with AS 2890.1-2004 to comply with Fig. 3.3. The Construction Certificate plans shall reflect this requirement.

- c) Sight distance and splays should be provided on the sides of the driveway to vehicles on the ground floor plan at the driveway entry/exit to the through traffic on Boronia Road in accordance with AS 2890.1-2004 to comply with Fig. 3.2. The Construction Certificate plans shall reflect this requirement.
  - d) Privacy screening (consistent with that proposed for boarding room Nos. 47 and 48) is to be installed to the balustrade of the private open space area of boarding room Nos. 17 and 18 to restrict views of the adjoining property. The Construction Certificate plans shall reflect this requirement.
  - e) The rendered brick wall along the front boundary of the site shall be a maximum height of 1 metre above the existing natural ground level. The Construction Certificate plans shall reflect this requirement.
- 3) The development shall be constructed and operated in a manner that ensures compliance with the definition of 'boarding house' as contained in Bankstown Local Environmental Plan 2015.
- 4) The premises must comply with the requirements of the:
  - a) *Local Government (General) Regulation 2005*, Schedule 2, Part 1 Standards for places of shared accommodation;
  - b) *Boarding Houses Act 2012*; and
  - c) *Boarding Houses Regulation 2013*.
- 5) The detailed site investigation prepared by DLE Environmental titled, 'Detailed Environmental Site Assessment, 144 Boronia Road, Greenacre, NSW 2190', dated 21 November 2013, forms part of the development consent.
- 6) The acoustic report submitted in support of the development application prepared by Acoustic Logic Consultancy Pty Ltd, titled '*144-146 Boronia Road, Greenacre DA Acoustic Assessment*', dated 5 June 2018, and the noise attenuation recommendations stated in the report, forms part of the development consent, except where amended to reflect the approved development (containing basement parking and a larger communal open space area, as opposed to at-grade parking). The acoustic report shall be updated to reflect the approved development prior to the issue of a Construction Certificate. Should the amended acoustic report contain any changes to the operational recommendations, further approval shall be sought from Council.
- 7) The Plan of Management and House Rules, dated 23 November 2018, shall be amended to include the following requirements under Section 9.0 'Public Complaints Resolution Procedure':
  - The nature of the complaint
  - The time and date the issue occurred
  - The name of the employee that received the complaint
  - Actions taken to investigate the complaint and the summary of the results of the investigation
  - Required remedial action (if applicable)
  - Validation of the remedial action
  - Summary of feedback to the complainant

- 8) The submitted Plan of Management and House Rules titled '*144-146 Boronia Street, Greenacre Plan of Management and House Rules*', dated 23 November 2018, forms part of development consent, except where amended by Condition 7. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management and House Rules.
- 9) The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where an operator/proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial inspection (within the first twelve months) in accordance with the *Boarding Houses Act 2012* and ongoing annual inspections, subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

## **ROADS AND MARITIME SERVICES CONDITIONS OF CONSENT**

- 10) The redundant driveways on Boronia Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter crossing on Boronia Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

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

- 11) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

The report and any enquiries should be forwarded to:  
[Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au)

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

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

Details should be forwarded to: [Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works: [Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au)

- 13) Full time "No Stopping" restrictions are to be implemented along the full frontage of the site on Boronia Road prior to the issue of the occupation certificate. This is to ensure appropriate sight lines for vehicles exiting onto Boronia Road.
- 14) All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
- 15) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 16) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Boronia Road.
- 17) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Boronia Road during construction activities.
- 18) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Boronia Road boundary.
- 19) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath of Boronia Road.
- 20) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

## **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:*

- 21) 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.

- 22) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

A minimum of four (4) replacement trees are to be planted prior to the issue of an occupation certificate as outlined below:

- i. 2 x trees known to attain a minimum height of 10 metres at maturity in the front setback of the development
  - ii. 2 x trees known to attain a minimum height of 15 metres at maturity in the rear communal open space of the development
- a) Replacement trees are to be a minimum container size of 75 litres. They shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
  - b) Tree species used are not to include any of the exempt plant species listed under Clause 2.4 of Part B11– Tree Preservation Order of the *Bankstown Development Control Plan 2015*.
  - c) The trees are to be located no closer than 3.5 metres from the wall of any existing or approved dwelling on the subject and neighbouring properties. Trees/shrubs proposed for planting along the rear boundaries shall be located no closer than 1.0 metres from the rear boundary.
  - d) All new plantings shall be located so future growth will not be in conflict with electricity wires. All overhead electrical wires between the power pole and approved structures are to be located outside the crowns of existing trees, with sufficient space for the canopy to grow and in accordance with the clearances specified by the energy authority.
  - e) The replacement trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Part B11– Tree Preservation Order of the *Bankstown Development Control Plan 2015*.
  - f) If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Part B11 - Tree Preservation Order of the *Bankstown Development Control Plan 2015*; the trees shall be replaced with the same species at no cost to Council.
- 23) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 24) 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.

25) Tree Management Plan

The applicant shall engage a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - to prepare a Tree Management Program for the development site. All trees to be retained and protected, and trees located on adjoining properties within 5m of the subject property boundary, are to be covered by this Tree Management Program. The report shall generally comply with section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites and Bankstown City Council tree report guidelines / arboricultural method statement.

The details of this Tree Management Program are to be site specific and should include, but are not limited to, the following issues:

- Tree Management Procedures
- Record keeping and documentation
- Monitoring and control
- Conflict resolution
- Project Implementation
- General tree protection procedures
- General tree care procedures
- Specific tree care and protection procedures (for each tree if necessary)
- Ongoing maintenance procedures
- Tree pruning and removal procedures.

The report is to be prepared and submitted to the PCA prior to the issue of a Construction Certificate.

- 26) 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.
- 27) 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](http://www.sydneywater.com.au/tapin)

For Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://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.

- 28) 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.
- 29) 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.
- 30) 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 \$59,873.47 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.

- 31) Prior to the issue of a Construction Certificate, the developer shall apply to the Canterbury Bankstown Traffic Committee to seek approval to fund a "No Stopping" restriction for 5 metres across the western part of the frontage of No. 142 Boronia Road, subject to consultation with and approval from the owner(s) of No. 142 Boronia Road. If approval is granted by the owner(s) of No. 142 Boronia Road, and subsequently granted by the Canterbury Bankstown Traffic Committee, evidence of this approval shall be provided to the PCA.

**Note:** This is in addition to the "No Stopping" zone across the full frontage of the site as required by Roads and Maritime Services.

- 32) 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.

- 33) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
- a) A medium duty VFC at the property boundary.
  - b) Drainage connection to Council's system.
  - c) 1.2 metre wide concrete footway paving along the sites.
  - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - e) Repair of any damage to the public road including the footway occurring during development works.
  - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 34) 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. 18MB7697/D01, Issue C, prepared by United Consulting Engineers, as amended by the approved architectural plans. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 35) 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.



- 36) 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.
- 37) 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.
- 38) The Construction Certificate plans shall include details of the bin storage area within the basement of the development. The bin storage area shall be capable of accommodating the following bins:
- 3 x 1100L bulk garbage bins (suggested collected weekly);
  - 1 x 1100L bulk recycling bin (suggested collected fortnightly).

Bin Type	Height	Width	Depth
1100L	1470mm	1370mm	1245mm

The design of the bin storage area shall satisfy the following requirements:

- The area must be of sufficient size to fit and manoeuvre 4 x 1100L bulk bins side-by-side (not stacked) with equal and convenient access to all bins by users.
- The area should minimise floor space to prevent lodgers from dumping their unwanted waste that does not fit in the bins.
- The room should be signposted 'Waste & Recycling' on the entrance doors.
- The doorway must be at least 1.5m wide.

A commercial waste and recycling service shall be engaged by the developer or boarding house operator for the weekly collection of materials from within the basement on site according to the bin allocation recommendation above. Bins are not to be present to the kerbside for collection.

- 39) 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.

- 40) 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.

- 41) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

**A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS**

**WORKS REQUIRING A 'WORKS PERMIT'**

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,

- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

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

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

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

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

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

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work

continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 42) 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.
- 43) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 44) The sum of the impervious areas associated with the car parking area, driveway and paths must not exceed 55% of the area between the dwellings and the primary frontage.
- 45) The Construction Certificate plans shall include details of the air-conditioning units. All air-conditioning units shall satisfy the development standards contained in Subdivision 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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

- 46) The building work in accordance with the development consent must not be commenced until:
  - a. a construction certificate for the building 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 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 work.
- 47) 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.
- 48) Trees to be Retained and Protected: On-site

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

Tree Species	Location	Protection Zones*
1 x <i>Melaleuca decora</i> (White Feather Honey myrtle)	Adjacent to western side boundary, 146 Boronia Rd, Greenacre	TPZ 4.0 radius SRZ 2.9 radius

\* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

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

- The *Melaleuca decora* (White Feather Honey myrtle) to be retained and protected together with the relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- 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.
- A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at 3.5 metre radius from the trunk of the *Melaleuca decora* (White Feather Honey myrtle). 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, shall not be removed or altered, and is to remain in place for the duration of the site works;
- 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:
  - a. The Development Consent number;
  - b. The name and contact phone number of the site manager;
  - c. The purpose of the protection zone;
  - d. The penalties for disregarding the protection zone;

- A qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - shall be engaged to oversee all works within the 4.0 metre radius TPZ of the *Melaleuca decora* (White Feather Honey myrtle), including site demolition, site clearing and construction work to ensure protection of the tree and compliance of all work with Australian Standard AS4373-2007 Pruning of amenity trees , Australian Standard AS4970-2009 Protection of trees on development sites, and this condition of consent.
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 Pruning of Amenity Trees, 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 Council's Tree Management Order, is to be retained and protected from Construction damage and pruning. The Tree Management Order protects trees over 5m in height.

#### 49) Trees to be Retained and Protected: Adjoining Site

The following tree protection measures are to be complied with to protect the *Callitris columellaris* (White Cypress) located on the adjoining property at 16 Orana Place, Greenacre:

- The building footprint is to be located further to the east to provide a 3.3m setback from the tree;
- Appropriate ground protection between the building footprint and boundary fence (3m) is to consist of 75mm woodchip mulch covered by rumble boards to prevent soil compaction within the TPZ;
- The tree protection measures are to comply with the recommendations contained in the Arboricultural Impact Assessment & Tree Protection Measures report, Reference No. AIA – CK (G) 0/19, dated 13 March 2019, prepared Sam Allouche, **as amended by the requirements outlined above.**

#### 50) Street Trees to be Retained and Protected

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

- i. 1 x *Callistemon* (Bottlebrush) located on the nature strip forward of No. 142 Boronia Road with a TPZ of 3 metres (when measured from the middle of the trunk).
  - ii. 1 x *Lophostemon confertus* (Brush Box) located on the nature strip forward of No. 146 Boronia Road with a TPZ of 3 metres (when measured from the middle of the trunk).
- a) Tree protection measures shall comply with *Australian Standard AS4970-2009 Protection of trees on development sites*.
  - b) The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works. The fence is to be installed prior to demolition / construction and shall not be removed or altered
  - c) A durable, weather resistant sign is to displayed in a prominent location on the fencing of each protection zone having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing clearly showing:
    - The development consent number
    - The name and contact number of the nominated consultant arborist or site manager;
    - Indication that access into the Tree Protection Zone is not permitted.
  - d) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
  - e) All utility services, pipes, stormwater lines and pits are to be located outside the fenced off Tree Protection Zone.
  - f) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone.
  - g) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.

#### 51) Street Tree Removal

The following tree located on Council's nature strip is approved for removal:

- i. 1 x *Callistemon* (Bottlebrush) located on the nature strip forward of No. 144 Boronia Road
- a) All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
  - b) The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
  - c) The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
  - d) The tree stump is to be ground to 300mm below ground level.
  - e) Investigation to locate underground services shall be the responsibility of the applicant.
  - f) All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.



- g) The site must be maintained in a safe condition at all times;
  - h) Appropriate hazard signage to be in place at all times during the tree works.
  - i) All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.
- 52) Suitable erosion and sediment control 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.
- 53) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 54) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 55) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

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

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

- 57) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 58) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

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

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

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

- 61) The demolition of all structures currently existing on the development site must be undertaken, subject to strict compliance with the following:
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.

- b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
- (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
  - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

**Note:** Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.

- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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

- 62) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

- 63) No heavy vehicles associated with demolition, construction or the delivery of materials are to arrive or depart the site during active school zone periods (i.e. from 8.00am – 9.30am and 2.30pm – 4.00pm on school days).
- 64) Appropriate measures should be considered for site access, storage and the operation of the site during all phases of the construction process in a manner which respects adjoining owner's property rights and amenity in the locality, without unreasonable inconvenience to the community.
- 65) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 66) 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.
- 67) 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.
- 68) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 69) 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.
- 70) 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.
- 71) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 72) 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.
- 73) 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.
- 74) In the event that works cause the generation of odours or uncovering of previously unidentified contaminants, works must immediately cease, Council and the Principal Certifying Authority must be immediately notified in writing and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm, which is agreed to by Council.

Council may also request that a NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

- 75) Any soil 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.

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.

- 76) 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).

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

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

- 78) 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.
- 79) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.
- 80) Twenty-six (26) off street car parking spaces and eleven (11) off street motor cycle spaces are to be provided in accordance with the submitted plans.

Two (2) 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.

- 81) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

82) Site Tree Replacements

A minimum of four (4) replacement trees are to be planted prior to the issue of an occupation certificate as outlined below:

- i. 2 x trees known to attain a minimum height of 10 metres at maturity in the front setback of the development
  - ii. 2 x trees known to attain a minimum height of 15 metres at maturity in the rear communal open space of the development
- 
- a) Replacement trees are to be a minimum container size of 75 litres. They shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
  - b) Tree species used are not to include any of the exempt plant species listed under Clause 2.4 of Part B11 – Tree Preservation Order of the *Bankstown Development Control Plan 2015*.
  - c) The trees are to be located no closer than 3.5 metres from the wall of any existing or approved dwelling on the subject and neighbouring properties. Trees/shrubs proposed for planting along the rear boundaries shall be located no closer than 1.0 metres from the rear boundary.
  - d) All new plantings shall be located so future growth will not be in conflict with electricity wires. All overhead electrical wires between the power pole and approved structures are to be located outside the crowns of existing trees, with sufficient space for the canopy to grow and in accordance with the clearances specified by the energy authority.
  - e) The replacement trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Part B11– Tree Preservation Order of the *Bankstown Development Control Plan 2015*.
  - f) If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Part B11 - Tree Preservation Order of the

*Bankstown Development Control Plan 2015*; the trees shall be replaced with the same species at no cost to Council.

83) Street Tree Replacements

The following replacement tree is to be planted on the nature strip forward of the property prior to the issue of an Occupation Certificate.

- i. 1 x *Melaleuca linariifolia* (Snow in summer) OR 1 x *Harpullia pendula* (Tulipwood) OR 1 x *Syzygium* 'Hot Flush' to be planted no closer than 2.5 metres from the edge of the vehicle footpath crossing
- a) The tree shall have a minimum container size of 75 litres.
- b) The tree 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.
- c) The tree is to be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-202.
- d) All new plantings shall be located so future growth will not be in conflict with electricity wires. All overhead electrical wires between the power pole and approved structures are to be located outside the crowns of existing trees, with sufficient space for the canopy to grow and in accordance with the clearances specified by the energy authority.
- e) Consideration should be given to the location of new electricity poles and wires so that sufficient space is provided.
- f) Investigation to locate underground services shall be the responsibility of the developer. Should such services exist and it is reasonable that damage may occur to those services by the new plantings, the following is to occur:
  - Carry out engineering works to protect those services from damage; or
  - Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
  - Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.
- g) The tree shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.
- h) Compliance with this condition is to be confirmed with Councils Tree Management Officer prior to the issue of an occupation certificate. An inspection must be booked with Council after the replacement tree has been planted. Inspections must be booked at least 5 working days prior to being required.

- 84) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents. All external lighting shall be linked to a motion sensor to minimise impact during night time periods.



- 85) 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.
- 86) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 87) 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.

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

**Note:** The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

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

- 89) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development.

- 90) The Principal Certifying Authority shall obtain an acoustic validation report from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the acoustic report prepared by Acoustic Logic Consultancy Pty Ltd, titled '*144-146 Boronia Road, Greenacre DA Acoustic Assessment*', dated 5 June 2018, except where amended by Condition 6, have been implemented and that relevant noise criteria has been satisfied, prior to the issue of any Occupation Certificate. A copy of the acoustic validation report shall be provided to Canterbury Bankstown Council prior to the issue of any Occupation Certificate.
- 91) In accordance with Condition 76, certificates verifying that any fill imported to the site during construction works is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an Occupation Certificate.

## USE OF THE SITE

- 92) The boarding house is approved for the purpose of 'affordable housing' as defined in Section 6 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The boarding house shall be leased to lodgers that have a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney and the lodgers are to pay no more than 30 per cent of that gross income in rent, or to lodgers that are eligible to occupy rental accommodation under the National Rental Affordability Scheme and the lodgers are to pay no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.
- 93) The boarding house shall operate and be managed in accordance with the approved Plan of Management and House Rules at all times, except where amended by any conditions of consent in this notice of determination. The Plan and Management and House Rules shall be amended to ensure consistency with the conditions of consent.
- 94) The total number of lodgers residing in the boarding house at any one time shall not exceed ninety-six (96) lodgers.
- 95) No more than two residents shall occupy any one boarding room, or in the case of single occupancy rooms, no more than one resident shall occupy rooms nominated as single occupancy.
- 96) The communal room shall not be occupied between 10pm and 8am each day.
- 97) A maximum of twenty (20) lodgers are permitted in the communal room and the surrounding communal open space area at any one time.
- 98) The maximum allowable sound pressure level within the communal room is 75 dB(A). A sound limiter shall be installed within the communal room.
- 99) The development shall not be used for the purpose of '*tourist and visitor accommodation*' as defined by Bankstown Local Environmental Plan 2015.

- 100) All lodgers shall enter into a residential tenancy agreement before occupation of any room in the development.
- 101) All lodgers are to be provided with a copy of the Plan of Management and House Rules.
- 102) Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrances and exits. All CCTV cameras shall have the capacity to store footage for a minimum of twenty-one (21) days.
- 103) Information and contact details on local medical and social support services shall be made available to the residents of the boarding house in the predominant languages of the local demographic.

Boarding house rules, evacuation procedures and the Plan of Management and House Rules shall also be made available in these languages.

- 104) 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 Canterbury Bankstown Council receiving complaints and if it is considered by Council that excessive and/or offensive noise is emanating from the premises, the boarding house 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.
- 105) The boarding house operator shall ensure that the operation of the premises complies 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*.
- 106) The implementation of this development shall 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.
- 107) 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.

- 108) Any lighting of the premises shall be installed in accordance with *Australian Standard AS 4282: 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. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 109) All waste materials associated with the use shall be stored in containers located in the basement of the building in accordance with the approved plans. All waste materials shall be collected from within the basement of the building.
- 110) The operator of the boarding house shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 111) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed within the boarding house for lodgers information at all times.