

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-550/2018, submitted by Planning And Urban Design, accompanied by the drawings as listed in the table below 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	Revision	Dated	Prepared by
100-02	Site Plan	S	31/10/19	Glyde Architects
110-00	Basement 1 & 2	U	10/12/19	
110-01	Ground & Level 1	V	10/12/19	
110-02	Level 2 & 3	T	10/12/19	
110-03	Level 4 & 5	T	10/12/19	
110-04	Level 6 & Roof	T	10/12/19	
210-01	Elevations	Q	10/12/19	
310-01	Sections	R	10/12/19	
310-02	Ramp Sections	Q	15/11/19	
810-02	Adaptable Room Types	O	25/10/2019	
810-03	Materials	P	10/12/19	

The development plans shall be amended as follows, with plans reflecting the amendments submitted to and approved by Council prior to the issue of a Construction Certificate:

- a) The doorway width to the residential bin storage area must be a minimum of 2 metres. The bin-carting route also must meet this requirement, in accordance with Part B13 2.15 of Bankstown DCP 2015.
- b) Security control measures are to be installed at the top of the access ramp in the corridor (noted on the plans as apartment entry way) from the lift within the boarding house accessing the entry way. The security doors must be installed behind the lift access point opening to the south of the lift (on the north of the internal wall) to ensure that visitors cannot access any part of the residential development (both boarding house and flat building) without the appropriate security measures i.e. swipe access or intercom system allowing them entry.
- c) Wayfinding signs are to be installed within the basement and ground floor entry way directing how visitors of the site can make their way to the street.
- d) A lift system must be installed with security swipe systems to ensure that residential levels are only accessed by residents of the development.

- e) Apartment G05 must be amended and the planter on the northern edge of the patio reduced to ensure the minimum 3m dimension is achieved. All Construction Certificate documentation must be consistent with this requirement.
- 3) A qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - shall be retained and regularly consulted throughout all demolition, clearing and construction work to ensure protection of the trees retained and compliance of all work with Australian Standard AS4373-2007 Pruning of amenity trees and Australian Standard AS4970-2009 Protection of trees on development sites.
- 4) Underground services shall use common trenches outside Tree Protection Zones. If services need to be run within a Tree Protection Zone then all utility pipes and similar are to be installed using appropriate directional boring techniques. No tree roots are to be severed or damaged during this work.
- 5) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the north, south and the west of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
- 6) The boarding house must be designed, constructed and operated in accordance with:
- 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*.
- 7) Details outlining how the access control measures for visitors accessing the development from the basement are required. Plans are to detail separate and restricted access paths from the basement into the residential units, boarding house units and commercial unit. Details of the access control and swipe card restrictions and externally opening doors to the lift within the basements must be provided and outlined on the Construction Certificate plans.
- 8) No approval is granted or implied for the use of the commercial floor space within the building. Separate Development Consent for the use of the commercial floor space is required.
- 9) Excluding the pad substation shown on the plans all substation, hydrants, boosters and other services must be contained within cabinets in the built form. Separate approval is required for any services outside of the built form and not authorised through this Development Consent.

- 10) The deep soil areas located in the front setback along Meredith Street and to the rear of the site must be retained as deep soil and landscaping for the lifetime of the development. No encroachments for services or any structure is permitted within these areas.
- 11) Access to all communal and public areas of the development, including communal open spaces, are to be designed and constructed in accordance with the requirements of *Disability (Access to Premises — Buildings) Standards* 2010.
- 12) Storage areas within all units must be provided in accordance with the Apartment Design Guidance (ADG) Criteria outlined in 4G-1. The plans must demonstrate prior to the issuing of a Construction Certificate that 50% of the required storage is provided within each unit, exclusive of any kitchen, bathroom and bedroom storage. The storage must be contained within the unit and not result in any failures of any other controls within the ADG as a result of its location. The plans should also identify the storage within the basement areas, demonstrating capacity for the remaining storage not within the units as required by the ADG 4G-2.
- 13) The plans must demonstrate that the proposal meets the Universal Design Principles are utilised in 20% of the apartments within the development.
- 14) The building **must not exceed** a maximum height of 54.95 metres AHD, **this includes** all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc
- 15) Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate equipment (i.e. cranes) be obtained prior to any commitment to construct.
- 16) The proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSBK-CA-042.
- 17) On completion of the construction of the building, the Proponent **must provide** SMA with a written report from a certified surveyor on the finished height of the building.

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:

- 18) The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 19) Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:
 - a) The approved Remediation Action Plan, prepared by Pickford & Rhyder Consulting Pty Ltd, titled "*Remediation Action Plan, Asbestos Contaminated Soil, 46-50 Meredith Street, Bankstown NSW*", dated 21 November 2019, reference BPI-191112- Meredith St RAP;
 - b) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - c) The guidelines in force under the *Contamination Land Management Act 1997*; and

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 the Accredited Site Auditor and Council prior to the continuing of such work.

- 20) Prior to issue of the Construction 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 and that the remediation and validation of the site has been undertaken in accordance with the Remediation Action Plan prepared by Pickford & Rhyder Consulting Pty Ltd, titled "*Remediation Action Plan, Asbestos Contaminated Soil, 46-50 Meredith Street, Bankstown NSW*", dated 21 November 2019, reference BPI-191112- Meredith St RAP.

- 21) Prior to demolition, the entire site (including any structures) is to be assessed for hazardous materials, including asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type "A" inspection body accredited by NATA. All recommendations contained within this report are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of a Construction Certificate.

- 22) During remediation works, in the instance that the works cause the generation of odours or the 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.

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.

- 23) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and SEPP 65 (Apartment Design Guidelines) and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant. The landscape plan must show the area of communal open space of the residential flat building and facilities within communal open space including (but not limited to) barbeque areas, seating areas, quiet areas, recreation spaces etc.

The landscape plan must include 3 x replacement tree/s on the site as follows:

- a) Three (3) replacement trees known to attain a minimum height of 15 metres to be planted on the subject site
 - b) Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order.
 - c) The tree/s shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use
 - d) The trees shall be planted no closer than 3.5 metres from the wall of any approved building on the property.
 - e) The trees shall be planted so that future growth is not in conflict with overhead electricity wires.
 - f) The trees shall be maintained for the life of the development.
- 24) A new 1.8m high fence must be provided along the side and rear boundary of the site. The fence shall be constructed of lapped and capped timber or masonry material unless otherwise specified elsewhere in this consent. This fence is to be erected wholly within the subject allotment at full cost to the developer. The

selection of the materials and finishes must complement the proposal. The fence and materials must be constructed to a high-quality professional finish. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 25) 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.

Approval is granted for the pruning of the following trees:

Tree Species	Location	Pruning Works
1 x <i>Eucalyptus microcorys</i> (tallowwood) T3	48 Meredith Street, Bankstown	Refer to section 6.3 (As per Arboricultural Impact Assessment, Date: 31/10/2019)

The tree pruning works are subject to the following conditions:

- a) All pruning works must be carried out by a qualified arborist (minimum qualifications AQF Level 3 or equivalent);
 - b) All pruning works shall comply with Australian Standard AS4373-2007 Pruning of amenity trees
 - c) The tree pruning work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and the Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).
 - d) The tree pruning 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;
- 26) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with Council's Demolition and Construction Guidelines and Council's Development Engineering Standards and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
- 27) If any neighbouring properties or roadway are to be utilised for support, the legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owner must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged to Canterbury Bankstown Council prior to the issue of a Construction Certificate.

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

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

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

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve.
 - b) All existing services must be shown on a plan and included on cross sectional details where appropriate.
 - c) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
 - d) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
- 28) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 29) 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.
- 30) 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.
- 31) Pursuant to section 4.17 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 \$297,990.00 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.

- 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) Prior to the issue of a 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) A heavy-duty Vehicle Footpath Crossing (VFC) of maximum width of 5.5 metres at the property boundary.
 - b) Drainage connection through an underground OSD system with a storm water pipe extension along Meredith Street to Council's system.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) 1.2-metre-wide / full width to match the existing concrete footway paving along the sites entire frontage to Meredith Street.
 - e) Pavement to be to Council's CBD Type 4 standard (Type 4 is 125mm depth fibre-reinforced concrete base with 40mm asphalt, Urbanstone 'Silver Grey' 400 x 400 x min 50mm concrete paver banding and header treatment), unless otherwise approved by this work permit.
 - f) Repair of any damage to the public road including the footway occurring during development works.
 - g) 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.
 - h) The applicant must consult with RMS in regard to the need for the installation of any traffic control devices, should a traffic control device (such as a median) be required, this must be shown on the work permit and constructed at the applicant's expense.
 - i) The applicant must consult with RMS and confirm the need for a signalised pedestrian crossing to be installed at the northern boundary of the site. Should RMS require the installation of a signalised pedestrian crossing this must be undertaken at the applicant's expense in negotiation with RMS.
 - j) Details must be provided outlining that the drainage connection will protect the street trees fronting Meredith Street.

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 and on-site detention system plan 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. 17392C, Sheet nos: C6 – 01, Revision – B, C6 – 10 – Revision – B, C6 – 51 – Revision – A and C6 – 52 – Revision – A prepared by Robert Bird Group. 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) Stormwater runoff from within the property shall be collected and controlled by means of an underground on site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed through two inspection pits to be located at the eastern boundary of the site and from there to a new storm water pit with lintel at Meredith Street and then through a new 375mm diameter storm water pipe extension along the Meredith Street kerb line to an existing Council's storm water pit which is approximately 57.0 metres south of the new pit. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.
- 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) Sight distance triangles for pedestrian safety must be provided within the site boundary as shown on Figure 3.3 from AS2890.1:2004. The driveway access needs to be at least 1.0 metre from the northern property boundary to ensure pedestrian safety. No fencing adjoining the driveway along the northern boundary higher than 1m is permitted. The Construction Certificate plans must demonstrate compliance with the above.
- 38) Prior to the issuing of a Construction Certificate, any potential impact on the traffic signals at the intersection of Meredith Street with Richard Street from vehicles turning right into/out of the development must be evaluated. Written confirmation must be obtained from TfNSW on which restrictions (if any) are to be placed on this manoeuvre. Should any traffic control devices be needed, i.e. a median island to restrict the manoeuvre (or alternative device), this is to be provided at the developer's cost in consultation with Roads and Maritime

Services (RMS) and Council's Traffic Committee, with all works being completed prior to the issue of an Occupation Certificate.

- 39) Prior to the issuing of a Construction Certificate (RMS) must be consulted to ascertain whether an increase in pedestrian activity as a result of the proposed development be considered by RMS to require the construction of a new signalised pedestrian crossing on the northern leg of the intersection of Meredith Street with Richard Road, If such works are required, written confirmation from RMS must be provided to Council and an In-Principle Agreement for a signalised pedestrian crossing on the northern leg of the intersection between Council and the RMS provided prior to the issuing of any Occupation Certificate.

The developer is to fund alterations to the existing traffic signals plan and any works deemed necessary by TfNSW for pedestrian upgrades at the front of the site. All works must be completed at the applicant's expense prior to the issuing of an Occupation Certificate.

- 40) 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.

- 41) 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.
- 42) The Construction Certificate plans shall ensure that any recommendations outlined in the acoustic report submitted in support of this application, prepared by PKA Acoustic Consulting titled *'DA Acoustic Report, 46-50 Meredith St, Bankstown*, reference number: 11020R02v1, dated 20 June 2018 forms part of the development consent and are demonstrated on the Construction Certificate plans.
- 43) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The

garbage receptacle area shall be located within the building or screened from the street by dense landscaping.

- 44) A design certificate and detailed plans are to accompany any Construction Certificate application which demonstrate that the waste storage room has been designed to be constructed in accordance with Section 3.6.2 of Council's Waste Management Guide for New Developments, including but not limited to:
- a) All doorways are to be at least 2m wide.
 - b) Ensure adequate room is provided to store, manoeuvre and maintain all waste and recycling bins.
 - c) The room is to be designed to fit the following bins and make allowances for organic (green) waste bins should they be required:
 - i. 6 x 1100L recycling bins
 - ii. 6 x 1100L garbage bins
- 45) The residential bin storage area and bulky waste storage area must be signposted 'Residential Waste & Recycling' with access restricted to residential tenants only (excluding boarding house tenants).

A design certificate and detailed plans are to accompany any Construction Certificate application which demonstrate that the Bin carting path has been designed to be constructed in accordance with Section 3.6.1 of Council's Waste Management Guide for New Developments, including but not limited to:

- a) A minimum 2m wide hard surface
 - b) Non-slip, free from obstacles and steps; and
 - c) A maximum grade of 1:30
- 46) Any fire assemblies / facilities required to be on a frontage of a building must be integrated into the building design and screened from public view within cabinets and integrated into the built form using finishes and materials from the approved colours and finishes schedule. Fire assemblies / facilities must not be located in the public domain or in landscaped areas. Separate approval is required for any fire assemblies / facilities required to be located along the street frontage of the development that have not been noted on approved architectural plans are to be submitted to Council in a S4.55 Modification Application for consideration.
- 47) Separate approval is required for any heat shield and/or associated fire assembly structures/facilities not shown on the approved plans.
- 48) In the unforeseen event that an additional substation is required, the size and location of the substation is to be submitted for approval to Council and Ausgrid, prior to the issue of any Construction Certificate or the commencement of use, whichever is earlier. A substation has not been approved and if required details must be submitted to Council.

The substation must not be situated within any landscaped area, must not be situated in any area visible from the public domain and must be integrated into the building.

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier an area of land **within** the building to enable an electricity substation to be installed.

- 49) All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.
- 50) Prior to the issue of any Construction Certificate, 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.

- 51) Prior to the issue of any Construction Certificate, 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.

- 52) 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

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.

- 53) Prior to the issue of a Construction Certificate, the Plan of Management prepared by Nexus Environmental Planning dated 6 February 2020 must be amended to reflect the updated architectural plans.
- 54) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate for the residential flat building. 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.

The location of the air-conditioning and hot water units and associated infrastructure must be located to ensure that they are not visible from the street, and that they do not result in a non-compliance with the relevant built form controls and private open space controls contained within the Apartment Design Guide. Confirmation from a suitably qualified architect that the BASIX commitments do not compromise the design guidance as contained within the Apartment Design Guide must be provided prior to the issuing of a Construction Certificate.

- 55) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65
- 56) 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.
- 57) Engineering details and manufacturer's 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.
- 58) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 59) 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.
- 60) A minimum of 20% of the residential units within the Residential Flat Building must achieve silver level universal design features in accordance with the Liveable Housing Guideline.
- 61) The following street trees shall be retained and protected from removal and damage for the duration of the development **prior to any works commencing:**

Tree Species	Location	Protection Zones*
1 x <i>Lophostemon confertus</i> (brushbox) T1	46 Meredith Street, Bankstown (forward of the property boundary)	TPZ 2.5m SRZ 5.4m
1 x <i>Lophostemon confertus</i> (brushbox) T2	48 Meredith Street, Bankstown (forward of the property boundary)	TPZ 2.4m SRZ 4.4m

1 x Eucalyptus microcorys (tallowwood) T3	48 Meredith Street, Bankstown (forward of the property boundary)	TPZ 2.9m SRZ 7.2m
1 x Eucalyptus microcorys (tallowwood) T4	50 Meredith Street, Bankstown (forward of the property boundary)	TPZ 2.5m SRZ 5.6m

* 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:

- a) The tree/s are 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) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the Tree Protection Zone.
 - d) Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.
 - e) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
 - f) Pruning of Council street trees/s can only be carried out under the authority of a Works Permit approving tree pruning and in accordance with the conditions imposed.
- 62) The demolition of all structures currently existing on the property 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 PRIOR TO CONSTRUCTION

- 63) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a Construction Certificate for the building / subdivision work has been issued by the Council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a Principal Certifying Authority for the building / subdivision work, and
 - ii. notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the Principal Certifying Authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- d) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the building / subdivision work.
- 64) 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.
- 65) 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.
- 66) 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.
- 67) 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.
- 68) Prior to works commencing, a section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 69) 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.

- 70) 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.

- 71) 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 Authority 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.

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 73) The hours of site works shall be limited to between 7.00am and 5.00pm on weekdays and on Saturdays. No work shall be carried out on Sundays and public holidays.

- 74) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 75) Prior to each floor slab being poured, an identification report by a Registered Surveyor must be submitted to the Principal Certifying Authority verifying that the finished ground level and siting to the property boundaries conforms to the approved plans.
- 76) 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.
- 77) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 78) 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.
- 79) If unexpected soil contaminants are unearthed during excavation and/or construction works which has the potential to alter previous conclusions made regarding site contamination all work is to cease and Council notified immediately.

The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner, which is agreed to by Council, prior to the re-commencement of works. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. The cost of these investigations and the involvement of the accredited site auditor, if required, will be borne by the proponent.

- 80) 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.
- 81) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or masonry fence (condition 18), 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.

- 82) 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.
- 83) 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.
- 84) Any fill imported on to the site shall be classified validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant EPA Guidelines. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- 85) 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.
- 86) 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.
- 87) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- 88) 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.
- 89) 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.

- **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

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- 90) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an Occupation Certificate.
- 91) Prior to the issuing of an Occupation Certificate the following restriction must be registered on the title for the development.

Affordable Housing –

- a) That all boarding rooms identified within the boarding house part of the development must be used for the purposes of affordable housing as defined under the State Environmental Planning Policy (Affordable Rental Housing) 2009 for a period of 10 years from the date of the issue of the Occupation Certificate.

- (b) The dwellings identified in (a) above shall be managed by a "registered community housing provider".

Note: "Registered Community Housing Provider" has the same meaning as in the Housing Act 2001.

- (c) Prior to the issue of the Occupation Certificate, a restriction shall be registered against the title of the property the subject of this application pursuant to the Conveyancing Act 1919 that will ensure that the requirements of (a) and (b) above are met. These provisions may only be varied or extinguished with the written consent of Canterbury Bankstown Council."

- 92) The occupation or use of the building must not be commenced unless an Occupation Certificate has been issued for the building.
- 93) An 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 (where applicable).
- 94) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 95) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is

not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 96) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 97) Should works be required at the front of the site for pedestrian access or traffic control as outlined in conditions 36 and 37 of this consent, the works deemed necessary by TfNSW must be completed and cost associated borne by the developer. All works must be completed prior to the issuing of an Occupation Certificate.
- 98) Prior to the issue of any Occupation Certificate, verification from a qualified acoustic engineer shall be submitted to the Principal Certifying Authority to verify that the development complies with the requirements of Condition 40 of this development consent, and that any measures required to be installed to comply with the requirements of that condition, have been installed
- 99) A minimum of 97 off street car spaces being provided in accordance with the submitted plans. This shall comprise of the following:
 - a) 26 car parking spaces and 11 motorcycle and bicycle spaces for the boarding house
 - b) 1 boarding house managers space
 - c) 56 residential spaces
 - d) 11 visitor spaces for the residential flat building
 - e) 3 business / commercial spaces

Note: All of the above car parking spaces are to be designed in accordance with AS2890 and the relevant number provided for 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

- 100) Access to the permanent residential spaces must be restricted for permanent residents only. A boom gate or similar other retractable devices must be provided with swipe card access or similar to act as a barrier between permanent residential and all other parking spaces.
- 101) 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.

- 102) 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.

- 103) 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 prior to issue of the final occupation certificate.

- 104) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 105) Prior to issue of the final Occupation Certificate, 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.

The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision

- 106) 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.
- 107) To confirm the development can be serviced by Council's collect and return service, an inspection is required to be undertaken by Council's waste management representative prior to the issue of the Occupation Certificate.
- 108) On completion of the installation of the mechanical ventilation system in the car park a certificate from a qualified and experience acoustic consultant shall be provided to Council certifying that the system has been installed, inspected, commissioned in accordance with relevant Australian Standards.

USE OF THE SITE

- 109) Identification number/s are to be conspicuously displayed at the front of the premises, including for each commercial tenancy.
- 110) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation unless in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 111) Council reserves the right to impose parking or other stopping restrictions at the kerbside collection point on collection days to ensure safe and unobstructed access to the development for the purpose of waste collection.
- 112) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 113) Any area that is within any of the required sight distance triangles for the ingress and egress to the site must be kept clear of any and all obstruction at all times.
- 114) All storage areas are to be clearly identifiable and secured. Any storage areas in alcoves need to be well lit and mirrors to be erected to assist with unclear sightlines.
- 115) Access control for the basement must include the provision of a roller door installed with swipe card and intercom access.
- 116) Access into the residential lobby shall be via key/swipe card and/or intercom for visitors.

- 117) CCTV is to be installed to the basement levels, commercial tenancy and to the entries in proximity to the letter boxes for the development.
- 118) All letter boxes are to have non-master key locks, to prevent mail theft and fraud.
- 119) 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
- 120) The boarding house operator and residential flat building Strata body 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*.
- 121) A security system is to be installed at the entrance to the buildings to prevent unauthorised access into the buildings. Visitors should only be able to gain access into the building via a buzzer/intercom system.
- 122) Waste and recycling collection for the boarding house and commercial component of the development is to be provided by a private contractor.

USE OF THE SITE FOR THE RESIDENTIAL FLAT BUILDING

- 123) The development (Residential Flat building) shall be provided with the following allocation of bins for 56 residential dwellings (subject to final dwelling yield):
- a) 6 x 1100L garbage bins (collected weekly)
 - b) 6 x 1100L recycling bins (collected weekly)
- 124) Residential garbage and recycling bins shall be serviced as a collect and return service from the bin storage area. Unobstructed and unrestricted access to the bin storage area is to be provided to Council on collection days.
- 125) Garden organics bins may be provided by Council upon application by the owners corporation (or strata agent) following issue of an Occupation Certificate. Garden organics bins are to be presented kerbside for collection.
- 126) Commercial Garbage Storage Room should be signposted ‘Commercial Waste & Recycling’ with access restricted to commercial tenants only.

USE OF THE SITE FOR THE BOARDING HOUSE

- 127) The applicant 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.

- 128) Commercial Garbage Storage Room should be signposted 'Commercial Waste & Recycling' with access restricted to commercial tenants only.
- 129) The applicant must provide Council with reasonable evidence of trade waste service agreement for the boarding house prior to issue of an Occupation Certificate.
- 130) All lodgers must be subject to an Tenancy Agreement for a term of at least three months.
- 131) The northern section of the building approved as boarding units shall be used exclusively for the purposes of a boarding house within the meaning of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- 132) The boarding house on site 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*;
 - d) *Protection of the Environment Operations Act 1997* and Regulations; and
 - e) Australian Standard 1668.1 and 1668.2
- 133) The plan of management prepared by S. McManamey titled, '*Boarding House Management Plan and House Rules at 50 Meredith Street, Bankstown 2200 NSW*' dated 3 July 2018, must be amended to reflect the updated architectural plans and resulting reduced number of rooms, boarders, changes to car parking spaces and motorcycle/bicycle spaces. The plan of management must ensure that no double room within the boarding house has more than 2 boarders and that all single rooms contain only 1 boarder and be amended in accordance with condition 51 of this consent. The amended plan of management must forms part of the development consent.
- 134) The boarding house managers hours are to be sign posted in accordance with the '*Boarding House Management Plan and House Rules at 50 Meredith Street, Bankstown 2200 NSW*' dated 3 July 2018.
- 135) No more than two lodgers per double room are permitted, with the total number of lodgers residing in the boarding house at any one time not to exceed 92 lodgers
- 136) The premises shall be operated so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints and if it is considered by Council that excessive noise is emanating from the premises, the person(s) in control of the premises shall, at their own cost, arrange for an acoustic investigation to be carried out (by an accredited acoustic consultant) and submit a report to Council specifying the proposed methods for the control of excessive noise emanating from the

premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.

- 137) The Plan of Management for the boarding house shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The Operator shall be responsible for ensuring that the terms of the Plan are adhered to at all times
- 138) Should a noise issue (relating to the development) not previously identified arise (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
- 139) The Operator is to monitor the number and nature of complaints/incidents, shall formally register all incidents/complaints received, and shall detail the action taken to rectify the problems that have arisen. This information shall be collated into an Incidents/Complaints Register. This Register must be produced upon demand by Council or NSW Police. The Register must contain a direction that all complaints/incidents of a criminal nature are to be reported to the Police immediately.
- 140) 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.