



## Notice of Determination of 1012/2021

Issued under s4.16(1)(a) of the *Environmental Planning & Assessment Act 1979*

Dear Sir/Madam,

I refer to your Development Application referenced above and advise that it has been **approved** by Canterbury Bankstown Council. The development consent is subject to the attached conditions.

All relevant documentation pertaining to this determination notice is available to access through the [NSW Planning Portal](#).

Before the commencement of any building works on the site a construction certificate must be obtained. The construction certificate can be issued by Council.

An application for a construction certificate accompanied with appropriate building work plans and specifications may be submitted to Council through the [NSW Planning Portal](#).

Please contact Council for a competitive fee proposal if you require the assessment of a construction certificate application and to appoint Council as a principal certifier for the building or subdivision works.

Yours faithfully,  
Canterbury Bankstown Council  
P: +61 2 9707 9000  
E: [council@cbc.city.nsw.gov.au](mailto:council@cbc.city.nsw.gov.au)

If you need help interpreting this document, please contact Council on 9707 9000.

# NOTICE OF DETERMINATION – CONSENT

Issued under s4.16(1)(a) of the *Environmental Planning & Assessment Act 1979*

**Development Application No.** 1012/2021

**Applicant**

Canterbury Bankstown Council  
Attention: Leonard Slabbert Level 8, 80  
Mount St NORTH SYDNEY NSW 2060  
[council@cbc.city.nsw.gov.au](mailto:council@cbc.city.nsw.gov.au)

**Land to be Developed**

17 Phillips Avenue, Canterbury  
Lot 2 DP 818459, Lots 6-11 Section F DP  
2785

**Approved Development**

Demolition of existing leisure & aquatic  
centre and construction of new two storey  
leisure & aquatic centre

**Date of Determination**

**DRAFT**

**Consent to Operate From**

**DRAFT**

**Consent to Lapse On**

**DRAFT**

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## SCHEDULE 1 – CONDITIONS

These consent conditions have been imposed after taking into account the matters for consideration in determining a development application pursuant to s4.15 and in accordance with s4.17 of the *Environmental Planning & Assessment Act 1979*.

### 1. Approved Development.

- 1.1. Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation except where the conditions of this consent expressly require otherwise.

Plan Number	Plan Name	Dated	Revision	Prepared By
DA01	Introduction	22/11/2021	A	Williams Ross
DA02	Project Images	22/11/2021	A	Williams Ross
DA03	Site Analysis	22/11/2021	A	Williams Ross
DA04	Design Analysis	22/11/2021	A	Williams Ross
DA05	Existing Site Plan	22/11/2021	A	Williams Ross
DA06	Demolition Site Plan	22/11/2021	A	Williams Ross
DA07	Demolition details	22/11/2021	A	Williams Ross
DA08	Proposed Site Plan – General	22/11/2021	B	Williams Ross
DA09	Proposed Site Plan – Technical	22/11/2021	B	Williams Ross
DA10	Basement Plan	22/11/2021	B	Williams Ross
DA11	Level 1 Floor Plan	22/11/2021	B	Williams Ross
DA12	Level 2 Floor Plan	22/11/2021	B	Williams Ross
DA13	Roof Plan	22/11/2021	A	Williams Ross
DA14	Streetscape elevations	22/11/2021	B	Williams Ross
DA15	Elevations South & West	22/11/2021	A	Williams Ross
DA16	Elevations East & North	22/11/2021	A	Williams Ross
DA17	Site Sections A & B	22/11/2021	B	Williams Ross
DA18	Site Sections C & D	22/11/2021	A	Williams Ross
DA19	Finishes	22/11/2021	A	Williams Ross
DA20	Shadow Diagrams	22/11/2021	A	Williams Ross
DA21	Notification Plan	22/11/2021	A	Williams Ross
DA22	Notification Plan Elevations	22/11/2021	A	Williams Ross
K034EQ	Café Kitchen, Servery & Kiosk Equipment Layout	01/03/2021	A	The MACK Group
K034SK	Café and Servery Equipment Layout	01/03/2021	D	The MACK Group
AE-201	Pool Foundation Plan	11/08/2021	P2	Hydautech Designs Pty Ltd
AD-202	Pool Slab Reinforcement Plan	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-203	Pool Setout Plan	11/08/2021	P2	Hydautech Designs Pty Ltd
AE-204	Pool Fixtures Plan	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-206	Pool Tiling Plan	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-207	Basement and Ground Level Pool Water	11/08/2021	P2	Hydautech Designs Pty Ltd

	Treatment Plantroom Layout			
AE-211	Pool Lane Rope Mode 1	11/08/2021	P2	Hydautech Designs Pty Ltd
AE-212	Pool Lane Rope Mode 2	11/08/2021	P2	Hydautech Designs Pty Ltd
AE-301	Overall Pool Sections	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-302	Structural Pool Sections 1	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-303	Structural Pool Sections 2	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-304	Structural Pool Sections 3	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-401	Typical Pool Wall and Floor Section Detail	11/08/2021	P2	Hydautech Designs Pty Ltd
AE-402	Typical Wet Deck Section Detail	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-403	Typical Wet Deck Sump Screen Detail	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-404	Typical Pool Step and Grab Rail Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-405	Typical Ramp Handrail Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-406	Typical Pool Fixture Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-407	Typical Access Hatch and Ladder Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-408	Typical Hydrostatic Valve Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-409	Typical Filtered Water Supply Jet Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-410	Typical Pipe Penetration and Formwork Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-411	Typical Structural Details	11/08/2021	P1	Hydautech Designs Pty Ltd
AE-412	Typical Tiling Details	11/08/2021	P1	Hydautech Designs Pty Ltd
C1.01	Cover sheet , drawing list and legends	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C1.02	Notes – Sheet 1	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C1.03	Notes – Sheet 2	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C1.05	Details – Sheet 1	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C1.06	Details – Sheet 2	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C1.07	Details – Sheet 3	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C2.01	Cut and Fill Plan	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C3.0	Overall Key Plan	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C3.01	Civil Works Plan – Sheet 1	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C3.02	Civil Works Plan – Sheet 2	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C3.03	Civil Works Plan – Sheet 3	Jun-21	B	Acor Consultants (Vic) Pty Ltd

C3.04	Civil Works Plan – Sheet 4	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C4.01	Pavement Plan	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C5.01	Soil, Erosion and Sediment Control Plan	Jun-21	B	Acor Consultants (Vic) Pty Ltd
C7.01	Signage and Linemarking Plan	Jun-21	B	Acor Consultants (Vic) Pty Ltd
20221822.3	Tree List	22/11/2021	-	Meredith Gibbs
20221822.3	Tree Protection Plan	22/11/2021	-	Meredith Gibbs
20221822.3	Tree Protection Specifications	22/11/2021	-	Meredith Gibbs
L-DA-7	Landscape Plan	24/11/2021	A	Turf Design Studio
L-DA-8	Tree Management Plan	24/11/2021	A	Turf Design Studio
L-DA-9	Fig Tree Grove: Detail Plan	24/11/2021	A	Turf Design Studio
L-DA-10	Fig Tree Grove: Section	24/11/2021	A	Turf Design Studio
L-DA-11	Entry Plaza and Graded Lawn: Section	24/11/2021	A	Turf Design Studio
L-DA-12	Overflow Carpark: Detail Plan	24/11/2021	A	Turf Design Studio
L-DA-13	Overflow Carpark: Section	24/11/2021	A	Turf Design Studio
L-DA-14	Common Lawn: Detail Plan	24/11/2021	A	Turf Design Studio
L-DA-15	Common Lawn: Section	24/11/2021	A	Turf Design Studio
L-DA-16	Water Play: Detail Plan	24/11/2021	A	Turf Design Studio
L-DA-17	Water Plan: Section	24/11/2021	A	Turf Design Studio
L-DA-18	Planting Plan	24/11/2021	A	Turf Design Studio
L-DA-19	Planting Palette – Public Domain	24/11/2021	A	Turf Design Studio
L-DA-20	Planting Palette – Aquatic Centre	24/11/2021	A	Turf Design Studio
L-DA-21	Feature Elements & Materials Palette	24/11/2021	A	Turf Design Studio
L-DA-22	Typical Details – Landscape	24/11/2021	A	Turf Design Studio
CA01_MP_002	Signage Masterplan – Precinct Northern	10/08/21	03	Citizen
CA01_E1_001	E1 Primary Building ID	01/11/2021	3	Citizen Group
CA01_E1_001	E1 Primary Building ID	01/11/2021	2	Citizen Group
CA01_E3_001	E3 Vehicular Totem	01/11/2021	3	Citizen Group
CA01_E4_001	E4 Precinct Totem	01/11/2021	2	Citizen Group
CA01_E5_001	E5 Exterior Wall Mounted	01/11/2021	2	Citizen Group
CA01_E6_001	E6 Car Park Operational	01/11/2021	2	Citizen Group
CA01_E7_001	E7 Secondary Building ID	01/11/2021	3	Citizen Group
CA01_E8_001	E8 Ground Markings	01/11/2021	3	Citizen Group
CA01_E9_001	E9 Exterior Placemaking	01/11/2021	3	Citizen Group
CA01_E10_001	E10 Exterior Placemaking	01/11/2021	3	Citizen Group

**Note:** In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

- 1.2. The Acoustic Report submitted in support of this application prepared by Acoustic Logic, report number 20210190.1, dated 22 April 2022 and all the



recommendations stated within the report, form part of the development consent.

- 1.3. The Access Review submitted in support of this application prepared by Morris Goding Access Consulting, dated 5 November 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.4. The BCA Report submitted in support of this application prepared by Philip Chun, report number 20-215831, dated 30 August 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.5. The Fire Engineering Brief submitted in support of this application prepared by Omnii, report number 8864100, dated 1 October 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.6. The Geotechnical Assessment Report submitted in support of this application prepared by JKGeotechnics, report number 34011BMrpt1, dated 19 November 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.7. The Remedial Action Plan submitted in support of this application prepared by Tetra Tech Coffey, report number SYDEN302862-R03, dated 16 August 2022 and all the recommendations stated within the report, form part of the development consent.
- 1.8. The Flood Report submitted in support of this application prepared by Turnbull Engineering, report number TEJ0265-REP-0001, dated 15 November 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.9. The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use. Ensure compliance does not counter any previous dispensations or performance solutions to be part of the works as agreed with the consulting building surveyor and fire engineer.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

- 1.10. The building work must be carried out in accordance with the requirements of the Building Code of Australia.

- 1.11. The proposed pedestrian refuge island to be installed in the future near the intersection of Wairoa Street and Phillips Avenue, as shown on the amended Site Plan – Technical (Dwg No. DA09 Revision B dated 22/11/2021), is subject to a separate application to be submitted to Council's Traffic Unit for investigation of the feasibility of the Traffic Facility. The cost of the Design and Construction of the Refuge Island is to be borne by the applicant.

## **2 Conditions to be Satisfied Before the Issue of a Construction Certificate.**

- 2.1 Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:

- Machinery to be used during excavation/construction.
- Demolition, excavation, and construction methodology and staging

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- 2.2 There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor and High Voltage Aerial Transmission Line(s) do not have an impact on the rail corridor, rail operations, or infrastructure assets. All Landscaping shall be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

- 2.3 If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 2.4 Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.

- 2.5 No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying



Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 2.6 Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 2.7 Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- 2.8 The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 2.9 Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- 2.10 Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- 2.11 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

2.12 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.

2.13 Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 stormwater guideline requirement. 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 project No. VIC201076, Rev B dated 19/11/2021 prepared by ACOR Consultants PTY. LTD. The final plan shall be certified by the design engineer that it complies with Council's Canterbury Development Control Plan 2012 Part B5 and the relevant Australian Standards.

2.14 Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grades cannot be achieved, then 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.

2.15 Large sandstone blocks (or a similar device) are to be placed at the northern end of the overflow carpark to provide a suitable barrier between the carpark and the adjacent children's playground.

2.16 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. This Plan must address the measures

that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements 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 hoardings, scaffolding and/or fencing to secure the construction site;
- d. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e. Proposed measures to be implemented 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;
- f. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g. 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 Traffic Authority's requirements and AS1742.3.
- h. 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.
- i. 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.
- j. Proposed measures for protection of the environment 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.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition an 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.

2.17 Sites located adjacent to Council's drainage easement and/or sites affected by flooding shall comply with the following:

- a) The proposed building(s) including eaves and gutters shall be located clear of existing and proposed Council easements within the site. Amended plans to this effect shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. All approved construction details shall be consistent with this requirement. Proposed buildings shall be located clear of floodways through the site.
- b) Concrete pier and beam type footings shall be provided for all structures adjacent to Council's stormwater pipe/easement in accordance with the requirements contained in Council's Canterbury Development Control Plan 2012 Part B5. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of the Construction Certificate. A copy of the approved details together with a report prepared by a registered surveyor showing location, size and depth of the stormwater system, shall be sent to Council for information.
- c) The floor level of the proposed habitable structure(s) shall be constructed to RL 4.7m AHD as determined by the flood study including freeboard. All approved construction details shall be consistent with this requirement.
- d) For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary, in accordance with the requirements contained in Council's Canterbury Development Control Plan 2012 Part B5. Details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved details shall be submitted to Council for information.

2.18 The proposed driveways are to be designed in accordance with AS 2890.1:2004 and AS 2890.2:2018, Council's Standard Drawing S-004 and VFC Policy as shown on the amended Site Plan – Technical (Dwg No. DA09 Revision B dated 22/11/2021):

- a) Wairoa Street - Northern driveway for HRV service vehicles – for waste collection,
- b) Wairoa Street – existing driveway will remain unchanged, and
- c) Phillips Avenue – towards the southern end of the property.

2.19 Sight triangles are to be marked on the plan (Dwg No. SKT01 dated 6/6/22) and provided on the exit side of all the three driveways, in accordance with AS 2890.1:2004 Figure 3.4 – Minimum Dimensions for Access Driveways Sight Splays for Pedestrians. A splay extending 2 metres from the driveway edge



along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and are to be kept clear of any permanent obstacles. These shall be illustrated on plans submitted with the construction certificate.

- 2.20 Sight distance to approaching traffic in Wairoa Street and Phillips Avenue should be assessed using Figure 3.2 of AS2890.1-2004. This is to provide sight distance for vehicles coming out of these driveways and assess if No Stopping signage is to be provided across the driveway and street frontages. The Applicant is to apply to the Canterbury Bankstown Traffic Committee 4 weeks prior to occupation and a report will be prepared and be subject to recommendation by the Traffic Committee at the Applicant's cost.

- 2.21 A Construction Traffic Management Plan (CTMP) / Site Pedestrian Traffic Management Plan (SPTMP) shall be required to be submitted six months prior to the commencement of works on the site, for both demolition and construction phases of the development / project.

Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic and Transport Section for a CTMP / 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 constructions 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 routes for transportation to and from the development site of bulk construction and excavation materials shall generally be by the shortest possible route to the nearest "State Road", 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.**

The applicant shall nominate the routes for approval by Council prior to commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

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 TfNSW 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.

- 2.22 A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation before the issue of a construction certificate. Payment can be made via the Long Service Levy Portal at <https://www.longservice.nsw.gov.au>.

- 2.23 The Hazardous Material Survey prepared by EDP Consultants Pty Ltd (EDP), titled 'Hazardous Materials Assessment', dated 14 October 2020, reference S-00510.HMA.220\_BLD00390\_2020 and all the recommendations stated within this report forms part of the development consent.

All recommendations in the above-mentioned 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 execution of works associated with the built form of the development (excluding building work directly related to remediation).



- 2.24 All recommendations made in the acid sulfate soil management plan dated 29 July 2022 prepared by Tetra Tech Coffey must be implemented for the duration of the works. All works must be carried out under the supervision of a suitably qualified environmental consultant. Any change made to the site that will or is likely to impact the recommendations of the acid sulfate soil management plan will require a further assessment and is to be provided to Council prior to the issue of a construction certificate.

Prior to the issue of an occupation certificate, the supervising environmental consultant must certify in writing to Council that the management of acid sulfate soil was undertaken in accordance with the plan.

- 2.25 Prior to the issue of a construction certificate, the site is to be remediated in accordance with:

- a. The approved Remedial Action Plan, prepared by Tetra Tech Coffey Pty Ltd, titled 'Remedial Action Plan', dated 16 August 2022, reference SYDEN302862-R03;
- b. State Environmental Planning Policy (Resilience and Hazards) 2021;
- c. The guidelines in force under the Contamination Land Management Act 1997.

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

Any variations to the approved remedial action plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council prior to the continuing of such work.

- 2.26 Prior to issue of the construction certificate, the proponent must submit a detailed validation report to Council.

The validation report must be prepared in accordance with:

- a. 'Managing Land Contamination: Planning Guidelines (Department of Urban Affairs and Planning and NSW EPA, 1998);
- b. Relevant EPA Guidelines, noting the guidelines for 'Consultants Reporting of Contaminated Land 2020 and
- c. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

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

The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the remedial action plan, prepared by Tetra Tech Coffey Pty Ltd , titled 'Remedial Action Plan', dated 16 August 2022, reference SYDEN302862-R03

- 2.27 Where the validation report identifies the need for the implementation of a long-term environmental management plan, the plan must be submitted to Council and the principal certifying authority. The ongoing environmental management plan must be prepared in accordance with:

- a. NSW Contaminated Land Planning Guidelines;
- b. Relevant EPA endorsed guidelines; and
- c. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The long-term environmental management plan must be prepared or reviewed and approved by a suitably qualified environmental consultant.

The long-term environmental management plan must be submitted to, and approved by, Council prior to the issue of an occupation certificate.

The long-term environmental management plan must describe the nature and location of the contamination and prescribe how the contaminants will be managed/monitored and the responsible parties for this management/monitoring in the long-term.

The long-term environmental management plan must specifically outline the construction details, and the requirements of management and monitoring of the containment cell to ensure it is maintained appropriately, its integrity remains intact, and to avoid migration of contamination. The ongoing environmental management plan must also include a contingency plan if the systems fail.

- 2.28 A copy of the Permission to Discharge Commercial Trade Wastewater must be obtained from Sydney Water and a copy provided to the Principal Certifying Authority with the application for the Construction Certificate.

A Commercial Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system and a copy provided to the Principal Certifying Authority with the application for the Occupation Certificate.

- 2.29 An amended landscape plan must be submitted, to the satisfaction of the Principle Certifier, Prior to the issue of any Construction Certificate. The plan must include:

- a. Specify which trees are to be removed, location, species, reason and Arborist report for that tree removal.
- b. Landscape plan in 1:100 scale needs to specify the planting detail with plants name, location, height, size, quantities.
- c. landscape plan in plan no L-DA-12 need to show detail of reinforced turf for car park
- d. provide detail of planting for beds and planting detail consist of name, location, height, size, quantities.
- e. In plan no L-DA-14 provide planting detail for proposed trees consist of name, location, height, size, quantities.
- f. In plan no L-D-19, planting list, replace the Codiaeum variegatum and Raphiolepis Indica 'Oriental pearl' with native, proper plants adapted with Canterbury planting list or similar.
- g. Need to provide detail of landscape planting and design for deep water zone, café terrace, common lawn, car park and plaza entry and Fig tree grove.
- h. In plan no L-DA-23 the detailing for planting and deep soil and web mesh need to match with the site condition. Provided detail is a general detail and not show detail for this design. Control B2.3.5 Landscape Structure and Maintenance for Canterbury deep soil C5 requires:

Recommended minimum standards for a range of plant sizes, excluding drainage requirements, are:

Large trees such as figs (up to 16m diameter):

- Minimum soil volume 150m<sup>3</sup>
- Minimum soil depth 1.3m
- Minimum soil area 10m x 10m area or equivalent.

Medium trees (8m canopy diameter at maturity):

- Minimum soil volume 35m<sup>3</sup>
- Minimum soil depth 1m
- Approximate soil area 6m x 6m or equivalent.

Small trees (4m canopy diameter at maturity):

- Minimum soil volume 9m<sup>3</sup>
- Minimum soil depth 800mm
- Approximate soil area 3.5m x 3.5m or equivalent

Shrubs: minimum soil depths 500-600 mm

Ground cover: minimum soil depths 300-450mm

Turf: minimum soil depth 100-300 mm

- i. Provide planting details for deep soil, drainage for each planting.
- j. Ongoing maintenance for proposed landscaping.
- k. The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,

- l. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
- m. The location, number, pot size and type of chosen plant species. Details of planting procedures and maintenance.
- n. Details of drainage and watering systems.
- o. A Landscape maintenance schedule period of 12 months is to be applied to this development. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan,
- p. Control B2.3.5 Landscape Structure and Maintenance C13 requires provide an appropriate irrigation system, depend on special selection and maintenance plan.
- q. All the tree supply stocks shall comply with the guidance given in the publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003),
- r. The submitted Landscape Plan shows existing trees on the site to be retained that will be affected by the development. An Arborist report should be submitted, and information must be provided on the landscape plans and construction drawings regarding the TPZ and SRZ of these trees and encroachment on the TPZ. Submit updated plans showing this information.
- s. Trees to be retained must be protected in accordance with all aspects and requirements for the protection of existing trees as per Australian Standard 2009, AS 4970-2009 Protection of Trees on Development Sites to allow for the healthy ongoing life of these trees.
- t. A tree protection barrier is to be erected around the perimeter of the Tree Protection Zone as defined in the Australian Standard 2009, AS 4970-2009 Protection of Trees on Development Sites prior to the commencement of any site works. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within the Tree Protection Zone. The amended landscape plan is to include tree protection details. Refer to Cbcity Standard details on the website S-210 Standard Tree protection Zone around Existing Tree.

2.30 The front setback is to be composed of entirely landscape deep soil areas, except for required pedestrian and vehicular access.

2.31 **Communal Bin Storage Room Construction.**

The Certifier must not issue any Construction Certificate (CC) unless provided with detailed plans that form part of the CC for the communal bin storage room identified on **Plan DA11 RevB** that comply with the requirements of the Council's including, without limiting the foregoing, compliance with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;



- b. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. The room is to be integrated within the building with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
- d. Walls must be constructed of solid impervious material;
- e. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
- f. Walls, ceiling and floors must be finished in a light colour;
- g. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- h. A self-closing door openable from within the room;
- i. Must be constructed to prevent the entry of birds and vermin;
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
- k. Any doorways must be 2 metres wide and open outwards;
- l. Designed as per Plan revision B and to fit:
  - a. 4 x 1,100L bins;
  - b. 6 x 660L bins; and
  - c. 4 x 240L bins.

#### 2.32 **Bin Carting Route.**

The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC which identify that the bin carting route from the communal bin storage room identified on Plan DA11 Rev B to the waste collection point identified on **Plan DA11 Rev B** complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements:

- a. Is direct and less than 15 metres in length,
- b. Has a minimum width of 1.5m of hard surface; and
- c. Is of non-slip material and free from obstacles and steps.

#### 2.33 **Access for Waste Collection Vehicles.**

Prior to the issuing of any construction certificate, the Certifier must receive written confirmation from Council, that Council has been provided to its satisfaction with the following:

- (a) detailed plans showing that the waste storage rooms identified on Plan DA11 Rev B will be capable of being accessed from Wairoa St by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2-2004. (as identified in drawing g20296CAD005 figure 3) and that a loading area is available for the vehicle when collecting waste that meets the following requirements:
  - a. A stopping area for the collection vehicle; and
  - b. Include an extra 2m at the rear of the vehicle loading area.

- (b) A certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed (in accordance with document titles 'waste Collection/ HRV clearances – DA1012/2021; from William Ross Architects dated 17/8/22) so as to support the following loading requirements:

- a. Heavy Rigid Vehicle can enter and exit the site in a forward position;
- b. 30 tonne waste collection vehicles;
- c. Turning circle of 25 metres;
- d. Length of 12 metres;
- e. Clearance height of 4.5 metres

- 2.34 The Construction Certificate plans must demonstrate full compliance with the requirements of the BCA 2019 Amendment Review prepared by Philip Chun Building Code Consulting dated 30/08/2021, and the requirements of the Access Review - Draft prepared by Morris Goding Access Consulting dated 05/10/2021.

The development is to be carried out in accordance with the Deemed-To-Satisfy (DTS) requirements of Section J of the Building Code of Australia BCA, Energy efficiency. A report covering compliance of the development with the relevant provisions contained in Section J must be provided in full for approval with the Construction Certificate, and to be reflected in the construction certificate plans and specifications.

- 2.35 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.

- 2.36 **Compliance with Arborist Report.** The applicant shall ensure full compliance with all the recommendations numbered in Section 5. Proposed Development Activities except points 5.1, 5.4, 5.10, 5.11 and 5.13 in the Arborist Report



prepared by Melissa Gibbs dated 22/11/2021 which was submitted to Council as part of this application.

### 3 Conditions to be Satisfied Before Construction.

- 3.1 The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
- 3.2 Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 3.3 If the Duty to Report contamination to the NSW EPA under Section 60 of the *Contaminated Land Management Act 1997* (NSW) is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.
- 3.4 **Compliance with Arborist Report.** The applicant shall ensure full compliance with all the recommendations numbered in Section 7: Conclusions and Recommendations, except 7.4: Trees Proposed For Transplanting. These trees are to be removed instead. The applicant shall ensure full compliance with all the recommendations numbered in Section 8: Tree Protection Plan in the Arborist Report prepared by Meredith Gibbs dated 22/11/2021, which was submitted to Council as part of this application.
- 3.5 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 certifier, and
  - b. the person having benefit of the development consent has:
    - i. appointed a principal certifier for the building work, and
    - ii. notified the principal certifier 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 certifier 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.

3.6 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.

3.7 A compliance certificate must be must be obtained from Sydney Water under section 73 of the *Sydney Water Act 1994*. An assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

A section 73 Compliance Certificate must be completed before an occupation certificate will be issued. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [sydneywater.com.au/section73](http://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

3.8 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.

3.9 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 certifier 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.

#### **4 Conditions to be Satisfied During Construction.**

- 4.1 Sydney Trains advises there is a **11kV** High Voltage Aerial Transmission Line in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
  - i. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
  - iii. “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
- 4.2 No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- 4.3 The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning’s document titled “*Development Near Rail Corridors and Busy Roads- Interim Guidelines*”.
- 4.4 During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 4.5 Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- 4.6 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- 4.7 The Applicant/Developer shall not at any stage block the corridor access gate on Wairoa Street and should make provision for easy and ongoing 24/7 access

by rail vehicles, plant, and equipment to support maintenance and emergency activities.

- 4.8 Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- 4.9 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- 4.10 Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on Central\_Interface@transport.nsw.gov.au.
- 4.11 Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, [www.ausgrid.com.au](http://www.ausgrid.com.au) It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.
- 4.12 In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.



Council may also request that an 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.

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

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an occupation certificate. All imported fill must be compatible with the existing soil characteristics of the site.

- 4.14 While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is always kept on site and made available to Council officers upon request.

- 4.15 The requirements of the approved WMP shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

- (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*
- (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*
- (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- (e) Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material),

description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste.

(f) All materials and resources that are to be stored on site during construction works are contained on the site;

(g) The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses

(h) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works

4.16 Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

4.17 The building work must be carried out in accordance with the requirements of the Building Code of Australia.

4.18 An identification report by a registered surveyor must be submitted to the principal certifier prior to the ground floor slab being poured to verify the buildings wall setback and floor level conform to the approved plans.

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

4.20 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.

4.21 A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.

4.22 The stormwater drainage system shall be constructed in accordance with Council's Canterbury Development Control Plan 2012 Part B5 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.

- 4.23 While vegetation removal, demolition and/or building work is being carried out, the consent holder must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The consent holder must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.
- 4.24 All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. 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.
- 4.25 All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards
- 4.26 If the 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.
- 4.27 If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. if necessary, must underpin and support the building in an approved manner, and
  - b. must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - c. must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 4.28 A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with

the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.

- 4.29 The stormwater drainage system shall be constructed in accordance with Council's Canterbury Development Control Plan 2012 Part B5 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.

## **5 Conditions to be Satisfied Before Occupation.**

- 5.1 The footpath along Wairoa Street and Phillips Avenue fronting the development is to be reconstructed at the Applicant's cost.
- 5.2 Redundant driveways along the site frontage in Wairoa Street and Phillips Avenue are to be removed, kerb and gutter and turf restored to match other existing areas, at Applicant's cost.
- 5.3 An identification report by a registered surveyor must be submitted to the principal certifier to verify the building's wall and roof eaves setback, floor level and height conform to the approved plans.
- 5.4 A section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the principal certifier before an Occupation Certificate will be issued.
- 5.5 The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 5.6 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 5.7 Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The

Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 5.8 Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373 – 'Pruning of amenity trees and the removal of all noxious weed species', have been completed in accordance with the approved plans and any relevant conditions of this consent.
- 5.9 Prior to the issue of an occupation certificate, a pre-occupation premises inspection report is to be undertaken by Council's Environmental Health Officer.
- 5.10 Prior to the issue of any occupation certificate, a food business registration form must be completed and submitted to Council. This form is available online at [www.cbcity.nsw.gov.au](http://www.cbcity.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.
- 5.11 Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an occupation certificate. All imported fill must be compatible with the existing soil characteristics of the site

- 5.12 The acoustic report submitted in support of this application prepared by Acoustic Logic Pty Ltd, titled 'Acoustic Assessment', reference number 202110190.1, dated 22 April 2022 and all the recommendations stated within the report, form part of the development consent.

The Principal Certifying Authority shall obtain a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above-mentioned acoustic report have been implemented and that the relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate. A copy of the report is to be submitted to Council prior to the issue of any occupation certificate.

- 5.13 Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed

species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

5.14 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.

5.15 A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed stormwater system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the stormwater system. A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

5.16 A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

5.17 **Council Inspection – Waste Management Facilities**

No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent including:

- New Driveway off Wairoa St accessible by HRV (as per AS2890.2)
- Staff car parking areas line marked
- Bin room built to accommodate all required bins

5.18 An identification report by a registered surveyor must be submitted to the principal certifier to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.

5.19 A section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the principal certifier before an occupation certificate will be issued.

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

## **6 Conditions of Use.**



- 6.1 All vehicles particularly heavy vehicles must enter and exit the site in a forward direction.
- 6.2 All vehicular crossings are to be signposted with corresponding Entry and Exit signage and associated pavement marking directional arrows.
- 6.3 The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- 6.4 Any activity carried out in accordance with this approval must 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 (NSW) and Regulations.
- 6.5 The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.
- 6.6 Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, '*Control of the obtrusive effects of outdoor lighting*', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 6.7 All parts of the premises used for the storage, preparation and handling of food must be designed, constructed and operated in accordance with the requirements of:
- The *Food Act 2003* and *Food Regulation 2015*;
  - Australia New Zealand Food Standards Code;
  - AS 4674-2004, 'Design, construction and fit-out of food premises';
  - AS 1668.2 – 'The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings'
- 6.8 Where cooking by oil occurs, the premise shall contain adequate holding facilities for the reception of waste food oil. Waste food oil must be stored in a covered and bunded area and regularly removed by a waste oil recycler.
- 6.9 **Waste Management Plan Implementation.** The requirements of the approved WMP shall be complied with at all times that the approved development is being carried out.
- 6.10 **Waste Facilities Maintained.** Any waste facilities approved under this consent must be maintained in a proper and workmanlike state at all times and must be

kept clear and accessible to Council and/or contractor to undertake waste collection services. The facilities must not be altered without prior Council approval.

- 6.11 **Bin Carting Aid.** A bin carting aid (bin tug) is to be maintained and used for the caring of bins on the incline/decline. This aid is to be of suitable specifications to manoeuvre a full 1100L bin on a gradient of 1:16.
- 6.12 **Licenced Waste Collection.** All commercial uses must engage and utilise the services of a private waste collection service and must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
- 6.13 **Waste Storage Containers.** No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 6.14 **Signage.** Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
- 6.15 Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (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.
- 6.16 The applicant must ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
- 6.17 The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).



6.18 Music and other amplified sound played on the premises must not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997* (NSW). The sound level output must not exceed five (5) dB(A) above the ambient background level at the boundary of the premises.

6.19 Open waste storage areas must be appropriately covered and bunded. The ground must be paved with impervious material and must be graded and drained to a wastewater disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided.

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

6.20 The public swimming pool and/or spa pool must be designed, installed and operated in accordance with the:

- (a) *Public Health Act 2010* (NSW);
- (b) *Public Health Regulation 2012* (NSW);
- (c) 'Public Swimming Pool and Spa Pool Advisory Document' (NSW Health, 2013); and
- (d) *Local Government Act 1993* (NSW).

6.21 A grease trap, if required by Sydney Water must be installed in accordance with Sydney Water requirements and:

- (a) Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;
- (b) The grease trap must be not be in any kitchen, food preparation or food storage area;
- (c) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
- (d) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

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For further information regarding this notice DA1012/2021 please contact «Responsible\_Officer» in Development on 9707 XXXX.

Yours faithfully,

Right-click to sign  
with CoSign 

«Responsible\_Officer»  
**TITLE**

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*end*

## SCHEDULE 2 – REASONS

- i. To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.
- ii. To ensure compliance with the approved development.
- iii. To ensure compliance with the Bankstown Local Environmental Plan 2015.
- iv. To ensure compliance with the Canterbury Local Environmental Plan 2012.
- v. To ensure compliance with the Bankstown Development Control Plan 2015.
- vi. To ensure compliance with the Canterbury Development Control Plan 2012.
- vii. To record the condition of public infrastructure before the commencement of construction.
- viii. To ensure residential amenity is maintained in the immediate vicinity.
- ix. To record the condition of the property before the commencement of construction.
- x. To ensure the structural integrity of the building is maintained.
- xi. To ensure the structural integrity of the subject site and adjoining sites during the excavation process.
- xii. To encourage the minimisation of waste and recycling of building waste.
- xiii. To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.
- xiv. To ensure that appropriate tree protection measures are shown on construction drawings.
- xv. To protect the trees to be retained on the site during construction works
- xvi. To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily.
- xvii. To ensure the safety of children and make consent holder aware of the need to comply with applicable pool fencing legislation.
- xviii. To ensure that water from a swimming pool cannot be legally disposed of into the stormwater system.
- xix. To ensure appropriate safeguarding measures are in place before the commencement of any building work, demolition or excavation.
- xx. To ensure noise generated by equipment does not result in offensive noise.
- xxi. To ensure the lawful disposal of construction and demolition waste.
- xxii. To ensure works are carried out in accordance with relevant WorkCover requirements.
- xxiii. Prescribed – statutory.

## SCHEDULE 3 - NOTES

- a. Modifications to this Determination Notice may be made in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- b. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979* or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*. Any application for a review pursuant to Section 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Determination Notice. It is therefore advisable to lodge the application for review as soon as possible to ensure that assessment is complete within the statutory timeframes. You should seek advice from your legal advisor on the time limits for the lodgement of any appeal.
- c. Sections 9.37 and 9.50 of the *Environmental Planning and Assessment Act 1979* confer the authority to direct any person to comply with the terms and conditions of any consent condition and any person failing to comply with such a direction shall be guilty of an offence under that Act.
- d. Failure to comply with this Determination Notice may result in a fine or prosecution by Council.
- e. If the building work is in proximity of any infrastructure (including water, stormwater, sewer mains, electricity power lines, railway lines and telecommunications facilities or the like), then the relevant infrastructure authority must be consulted before commencing the building work to gain their approval. Any impacts must be considered in the design and construction of the building work/s.
- f. Inspections of the development work must be undertaken as determined by the principal certifier. If Canterbury-Bankstown Council has been nominated as the principal certifier, then details of inspection type and number required will be provided at the time of the issue of a construction certificate.
- g. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (as is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, a Section 4.55 Amendment to this Determination Notice (or a new development application) is required.

Individuals owe asset owners a duty of care that must be observed when working near infrastructure plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

In accordance with the *Telecommunications Act 1997* (Commonwealth), Telstra (and its authorised contractors) are the only companies that are permitted to conduct work on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution.

Damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any work or proposed work which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.
- h. This Determination Notice does not provide consent to commence building or subdivision work. A construction certificate must be obtained before the commencement of any building work and a Subdivision Works Certificate must be obtained before the commencement of any subdivision work. Council can provide certification services relating to the issue of a construction certificate or subdivision works certificate if required by the development consent. Please contact Council for a fee proposal if you require any of these certification services.

