**DEFERRED COMMENCEMENT REQUIREMENTS (Schedule 1)**

The following deferred commencement conditions must be complied with to the satisfaction of Council within 12 months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. The developer must acquire an Easement to Drain Water 1.5m wide over existing pipeline DN300 located within SP70513 to benefit Lot 100 DP 1041138 and Lot 1 DP 1097521. The developer must register the Easement with Land and Property Information and provide Council with evidence of the registration prior to the issue of the Operational Consent.
2. A hydraulic capacity assessment report must be carried out by a qualified civil engineer to justify the capacity of existing pipeline DN300 located within SP70513, which shall be adequate for the proposed development and all other catchments draining to the existing system. If not, new pipeline must be designed and proposed as a part of stormwater management system. The subject evidence shall be provided to Council prior to the issue of the Operational Consent.

**FORESHADOWED CONDITIONS OF APPROVAL (Schedule 2)**

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule 1, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

1. **Approved Development.**
   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** |
| DA 1005 | Site Plan | 14.10.22 | C | CD Architects |
| DA 1007 | Demolition Plan | 7.4.22 | A |
| DA 1101 | Basement Level 3 Floor Plan | 12.9.22 | B |
| DA 1102 | Basement Level 2 Floor Plan | 12.9.22 | B |
| DA 1103 | Basement Level 1 Floor Plan | 12.9.22 | B |
| DA 1104 | Lower Ground Floor Plan | 12.9.22 | B |
| DA 1105 | Ground Floor Plan | 12.9.22 | B |
| DA 1106 | Level 1 Floor Plan | 12.9.22 | B |
| DA 1107 | Level 2 Floor Plan | 14.10.22 | C |
| DA 1108 | Roof Plan  (as amended by condition 1.2(a)) | 14.10.22 | C |
| DA 2001 | South Elevation | 12.9.22 | B |
| DA 2002 | North Elevation  (as amended by condition 1.2(a)) | 12.9.22 | B |
| DA 2003 | East Elevation  (as amended by condition 1.2(a)) | 12.9.22 | B |
| DA 2004 | West Elevation (as amended by condition 1.2(a)) | 12.9.22 | B |
| DA 3001 | Sections (as amended by condition 1.2(a)) | 14.10.22 | C |
| DA 3002 | Section C (as amended by condition 1.2(a)) | 14.10.22 | C |
| DA 7041 | Finishes Schedule | 12.9.22 | B |

The recommendations contained within the following supporting documentation are to form part of this Determination Notice except where the conditions of this consent expressly require otherwise.

* 1. Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation:
     1. The roof of the ‘medical’ use at the rear of the floor plan on level 1 must have a finish level of no greater than 34.577 AHD as shown on the approved plans. The non-trafficable roof must not be accessible from the Level 2 Business premises. The side enclosing wall/balustrade around this area (to the north, east and west) must be reduced from the 1.9m shown and sit no greater than 300mm above the finish roof level, at a maximum 36.877 AHD. The drainage design must ensure that adequate measures are in place for the non-trafficable roof to suitably drain. No access to this area from within the development is permitted.
     2. The waste room within the lower ground floor plan must be amended and the size of the waste room increased so as to accommodate a storage capacity of 6600L of waste. An internal carting path a minimum 1.5m wide is to be provided within the waste storage room. Bins are to be located side by side (not stacked) to ensure equal access to all bins by users. The changes to the waste room must not result in any changes to the lower ground floor plan lobby, loading, access and circulation as shown. The increase in size must be designed and where required the additional size will result in a reduction to the gym tenancy on the lower ground floor, via expansion to the north.
  2. The maximum height of any structure on site must not exceed the RL’s as shown on the stamped approved plans. Any changes in the overall building height require Council approval prior to construction certificate approval.
  3. All lift overrun within the development cannot exceed the overall heights as shown on the stamped approved plans. The lift specifications at construction certificate stage must clearly show compliance with the height as approved.
  4. Separate applications for the internal fit out of each tenancy is required to be obtained prior to any use commencing.
  5. The recommendations and strategies as outlined in the document submitted entitled Total Security Management Plan and CPTED Recommendations, 433-437 Canterbury Road, Campsie, forms part of this consent. The crime prevention requirements outlined must be incorporated into the development and details shown on the construction certificate plans. A suitably qualified consultant must provide certification prior to the issuing of the construction certificate plans that the measures as outlined are acceptable.
  6. The acoustic report submitted in support of this application prepared by Acoustic Noise & Vibration Solutions Pty Ltd, titled Acoustic Report, reference number 2022-101, dated 6 April 2022 and all the recommendations stated within the report, form part of the development consent. The recommendations within section 7 of the report, must be shown on the construction certificate plans and implemented throughout the construction.
  7. The conclusions and recommendations outlined in Geotechnical Desktop Study Report, Report reference E23242 GA\_Rev3, dated 31 March 2022, Section 4 and 5 form part of this consent. Prior to Construction works commencing further detailed geotechnical investigations must be undertaken and inform the final design. An updated Geotechnical report must be prepared by a suitably qualified consultant and the recommendations of the report inform the design. The report must include a requirement for inspections to be undertaken during constructions to ensure the assumptions within the report are suitable for the constructions methods/designs implemented.
  8. The recommendations as outlined in the National Construction Code Report, prepared by Design Right Consulting, dated 6 April 2022, must be undertaken and a fire engineering report/statement obtained for the development by a suitably qualified Fire Engineer. All construction certificate documentation must demonstrate the development will comply with the Building Code of Australia. The plans must not result in any changes to the development in terms of overall height, floor to ceiling heights, floor area, car parking, facade or setbacks. Where achieving compliance requires design changes a modification application must be lodged prior to any construction certificate being issued.
  9. The correspondence issued by TfNSW dated 26 October 2022, reference number **SYD22/00650/02**, forms part of this consent. Compliance with the conditions contained within and as noted in conditions 1.11-1.19 of this consent, must be complied with as required throughout the development.
  10. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along Canterbury Road.
  11. Vehicles longer than 6.6 metres in length are to be prohibited from entering the subject site.
  12. The design and construction of the vehicular crossing and kerb and gutter works on Canterbury Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@transport.nsw.gov.au](mailto:DeveloperWorks.Sydney@transport.nsw.gov.au).
  13. Detailed design plans of the proposed gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

* 1. Vehicles are to enter and exit the site in a forward direction.
  2. Vehicles are to be wholly contained on site before being required to stop.
  3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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

* 1. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Canterbury Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

* 1. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
  2. A separate application shall be submitted to Council before the erection of any additional signage unless the proposed signage is "exempt development" in accordance with relevant legislation.
  3. The Gym Plan of Management submitted in support of this application forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management.
  4. A Plan of Management for the development must be prepared by a suitably qualified consultant. The Plan of Management must outline the operational aspects of the development, including but not limited to information on how the waste collection, loading and unloading services will be operated. Outline the safety and security measures for all tenants, establish an emergency response plan, complaint register for tenants and neighbours. the Plan of Management will form part of the ongoing operational conditions of the development. A copy of the plan is to be reviewed and endorsed by Council, prior to operations on site.
  5. All/any 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 prior to construction works commencing as they are not authorised through this Development Consent.
  6. Letter boxes must be contained wholly within commercial lobbies. No letter boxes can be put within the front setback.
  7. The deep soil areas located in the front and rear of the development 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.
  8. All parts of the food premises used for the storage, preparation and handling of food must be designed, constructed and operated in accordance with the requirements of:

(a) The Food Act 2003 and Food Regulation 2015;

(b) Australia New Zealand Food Standards Code;

(c) AS 4674-2004, ‘Design, construction and fit-out of food premises’;

(d) AS 1668.2 – ‘The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings’

1. **Conditions to be Satisfied Before the Issue of a Construction Certificate.**
   1. Development Contributions of $**146,083.68** must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The contributions will be used to provide, extend or augment public amenities or public services.

Indexing of the contribution amount to be paid: The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the “Consent to operate from date” which appears on the front page of this Determination Notice.

No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid.

A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie.

NOTE:  Development contribution amounts are non-refundable if you don’t proceed with your development.

* 1. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity before the issue of a construction certificate.
  2. Consolidation of the existing allotments must be registered by NSW Land Registry Services before the release of the construction certificate.
  3. Prior to the issue of a construction certificate, the site is to be remediated in accordance with:
     1. The approved Remedial Action Plan, prepared by E.I. Australia Pty Ltd, titled Remediation Action plan, dated 6 April 2022, reference E23242.E06.Rev6
     2. State Environmental Planning Policy (Resilience and Hazards) 2021;
     3. The guidelines in force under the Contamination Land Management Act 1997; and
     4. 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.

* 1. 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:

i. ‘Managing Land Contamination: Planning Guidelines (Department of Urban Affairs and Planning and NSW EPA, 1998);

ii. Relevant EPA Guidelines, noting the guidelines for ‘Consultants Reporting of Contaminated Land 2020 and

iii. 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 E.I. Australia Pty Ltd, titled Remediation Action plan, dated 6 April 2022, reference E23242.E06.Rev6.

* 1. Before the issue of the relevant construction certificate, payment of the long service levy is required, under the *Building and Construction industry Long Service Payments Act 1986*, section 34.  Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal [Calculator](https://longservice.force.com/bci/s/levy-calculator) at <https://longservice.force.com/bci/s/levy-calculator>. Payment must be made via the [Long Service Levy Portal](https://www.longservice.nsw.gov.au/bci/levy/about-the-levy/about-the-levy-portal) at <https://www.longservice.nsw.gov.au>.
  2. Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier’s satisfaction, that it complies with the relevant parts of AS 2890 – ‘Parking Facilities - Off-Street Carparking’ and Council’s development control plan.
  3. Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry, installed at least 6 metres recessed into the site, when measured from the property boundary with the street. The intercom is to be wired to all units.

The intercom must comply with Australian Standard AS 1428.2: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

* 1. The minimum number of seventeen (17) bicycle parking spaces is to be provided for the development.

**Note**: The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – ‘Parking Facilities’ Part 3: Bicycle Parking Facilities and ‘Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.’

* 1. The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap inTM.

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

* 1. The building must comply with the Category 1 fire safety provisions ­­­­­­­­­as are applicable to the building's proposed use.

**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 this Determination Notice.

* 1. The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued.

* 1. Before the issue of a construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
     1. Council’s development control plan,
     2. the guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book), and
     3. the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

* 1. Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier’s satisfaction that all reasonable steps were taken to obtain access to the adjoining properties:
* 419 Canterbury Road, Campsie
* 439 Canterbury Road, Campsie
* 18 Perry Street, Campsie
* 20 Perry Street, Campsie
* 22 Perry Street, Campsie
* 24 Perry Street, Campsie

A photographic survey must be prepared of the adjoining properties noted above detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the certifier and Canterbury Bankstown Council if Council is not the certifier, before the issue of the relevant construction certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the principal certifier and Canterbury Bankstown Council if Council is not the principal certifier.  If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.

* 1. The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 – ‘The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings’.

Details of any mechanical ventilation and/or air-conditioning system complying with AS1668.1 and 2 – ‘The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings’, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the certifier before the issue of a construction certificate.

* 1. Before the issue of a construction certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – ‘The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings’, and AS1668.1 – ‘The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings’.
  2. 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.
     1. 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 an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the certifier before the issue of the construction certificate.
     2. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.
  3. The consent holder shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:

1. 1 x Medium Duty VFC at the property boundary.
2. A new concrete footway paving along the site’s entire frontage to Canterbury Road,
3. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,
4. Repair of any damage to the public road including the footway occurring during building works, and
5. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

**Note:** Council is required to prepare a site survey and design in order to determine the necessary information. The consent holder should make application and payment for the Work Permit at least twenty-one (21) days before the information being required and before the issue of the construction certificate. The Work Permit must be approved before any works commencing within the Council Road Reserve or on Council’s assets.

* 1. 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.
  2. No permanent or temporary anchors are to be installed on adjoining properties without the approval of the adjoining land owners.
  3. 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:

1. 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.
2. All existing services must be shown on a plan and included on cross sectional details where appropriate.
3. Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
4. The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
   1. As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act* *1993*, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before the issue of any construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

* + 1. Dig up, disturb, or clear the surface of a public footway or public road,
    2. Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
    3. Connect a road (whether public or private) to a classified road,
    4. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
    5. Install utilities in, under or over a public road,
    6. Pump water into a public footway or public road from any land adjoining the public road,
    7. Erect a structure or carry out a work in, on or over a public road,
    8. Require a work zone on the public road for the unloading and or loading of vehicles,
    9. Pump concrete from within a public road,
    10. Stand a mobile crane within a public road,
    11. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
    12. The work is greater than $25,000, and
    13. Demolition is proposed.

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

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

* 1. Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
  2. Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below, as well as any plans submitted to satisfy the requirements of schedule 1 of this consent. The final plan shall be certified by the an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Canterbury Development Control Plan 2012 Part B5, the BASIX Certificate and the relevant Australian Standards. In addition, the following amendments are further required from the Construction Certificate approved plans:
* The OSD access hatches shall be designed as grated lid at location of driveway sloping toward street side, for all other location access hatches shall be designed with solid infilled cover to prevent stormwater surcharging to basement level.

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| --- | --- | --- | --- |
| **Plan Name** | **Number** | **Date** | **Prepared By** |
| COVER SHEET PLAN | 150061-000\_Revision B | 26/09/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN BASEMENT LEVEL 3 SHEET 1 OF 2 | 150061-101\_Revision C | 26/09/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN BASEMENT LEVEL 3 SHEET 2 OF 2 | 150061-102\_Revision B | 26/09/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN BASEMENT LEVEL 2 | 150061-103\_Revision C | 26/09/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN BASEMENT LEVEL 1 | 150061-104\_Revision C | 26/09/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN LOWER GROUND | 150061-105\_Revision D | 30/11/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN GROUND LEVEL | 150061-106\_Revision D | 30/11/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN LEVEL 2 | 150061-107\_Revision D | 30/11/22 | Civil and Stormwater Engineering Services |
| STORMWATER CONCEPT PLAN ROOF LEVEL | 150061-108\_Revision D | 30/11/22 | Civil and Stormwater Engineering Services |
| ON-SITE DETENTION DETAILS AND CALCULATIONS SHEET 1 OF 2 | 150061-109\_Revision D | 30/11/22 | Civil and Stormwater Engineering Services |
| ON-SITE DETENTION DETAILS AND CALCULATIONS SHEET 2 OF 2 | 150061-109.1\_Revision B | 26/09/22 | Civil and Stormwater Engineering Services |
| ON-SITE DETENTION DETAILS AND CALCULATIONS SHEET 2 OF 2 | 150061-109.1\_Revision B | 26/09/22 | Civil and Stormwater Engineering Services |
| CATCHMENT PLAN | 150061-110\_Revision D | 30/11/22 | Civil and Stormwater Engineering Services |
| EXTERNAL DRAINAGE & LONG SECTION | 150061-111\_Revision A | 06/04/22 | Civil and Stormwater Engineering Services |
| SEDIMENT AND EROSION CONTROL PLAN & DETAILS | 150061-112\_Revision A | 06/04/22 | Civil and Stormwater Engineering Services |
| MISCELLANEOUS DETAILS SHEET | 150061-113\_Revision A | 06/04/22 | Civil and Stormwater Engineering Services |

* 1. The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate. The engineer must certify that the hydraulic design complies with the above relevant standards.
  2. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate.
  3. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the certifier before a construction certificate being issued.

Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the certifier before the issue of the construction certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

* 1. Final registration of easement for drainage servicing the site is required to be finalised before the issue of the construction certificate.
  2. 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 a qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the certifier for approval before the issue of a construction certificate.
  3. Before the issue of any construction certificate for this development, the consent holder 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:

1. Proposed ingress and egress points for vehicles to and from the construction site;
2. Proposed protection of pedestrians, adjacent to the constructions site;
3. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
4. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
5. 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.
6. 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 construction and excavation materials shall be by the shortest practical 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 consent holder shall nominate the routes for approval by Council before 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 consent holder/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 before 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 before the commencement of any works on the construction site.

In addition, a TfNSW (formerly 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.

Note: Approval by Council of a SPTMP may take up to six (6) moths. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate.

* 1. Before the issue of a construction certificate, the consent holder must ensure a Construction Site Management Plan (CSMP) is prepared before it is provided to and approved by the Certifier. The plan must include the following matters:

1. location and materials for protective fencing and hoardings to the perimeter on the site;
2. provisions for public safety;
3. pedestrian and vehicular site access points and construction activity zones;
4. details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site;
5. protective measures for on-site tree preservation (including in accordance with AS 4970 Protection of trees on development sites and Council’s DCP, if applicable) and trees in adjoining public domain (if applicable);
6. details of any bulk earthworks to be carried out;
7. location of site storage areas and sheds;
8. equipment used to carry out all works;
9. a garbage container with a tight-fitting lid;
10. dust, noise and vibration control measures; and
11. location of temporary toilets.

The consent holder must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

* 1. 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 "regional road", with every effort to avoid school zones on public roads. The consent holder shall nominate the route for approval by Council before commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by consent holder specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council before release of any construction certificate. All damage must be rectified before the issue of any occupation certificate.
  2. Sight triangles are to be marked on relevant plans, being provided at the intersection of the driveway and the property boundary in accordance with AS 2890.1: ‘Figure 3.3 – Minimum Sight Lines for Pedestrian Safety’. 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 is to be kept clear of any obstacles. Any structures, plantings or fencing within these triangles is to be a maximum height of 600mm to ensure sight lines are kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.
  3. Sight distance to approaching traffic on this section of Canterbury Road should be assessed using Figure 3.2 of AS2890.1-2004. This is to provide sight distance for vehicles coming out of the exit driveway and assess if No Stopping signage is to be provided across the driveway and street frontage. The Applicant is to apply to the Canterbury Bankstown Traffic Committee and if required a report will be prepared and be subject to recommendation by the Traffic Committee at the cost of the Applicant. The Applicant is to apply for the parking restrictions a minimum of three months prior to occupation of the premises.
  4. Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council.
  5. Before the issue of a construction certificate, the consent holder is to ensure that a waste management plan is prepared in accordance with the EPA’s Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
     1. Council’s Waste Management Development Control Plan
  6. The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.
  7. The use and operation of the premises must be designed so as to not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort or repose of person who is outside the premises.

There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

Emission control equipment must be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the construction certificate for the subject works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the certifier before the issue of any construction certificate.

* 1. A Trade Waste Agreement shall be obtained from Sydney Water before the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.
  2. A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must be prepared in accordance with Canterbury DCP 2012, generally in accordance with Drawing DA-L102 and DA-L103, Revision B, dated 16.9.22 prepared by Canvass Landscape Architects and must include the following features, notations and specifications:
     1. 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,
     2. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
     3. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any),
     4. Details of drainage and watering systems (if any),
     5. 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,
     6. 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),
     7. All scheduled plant stock shall be pre-ordered, before issue of construction certificate or 3 months before the commencement of landscape works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council before issue of any construction certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date;
     8. Three 200ltr (minimum) major canopy trees shall be planted within the front setback;
     9. Three 200ltr (minimum) major canopy trees shall be planted within the rear setback; and
     10. The landscape plan should include landscaping to the Level 1 side recessed areas as shown in elevation. No landscaping is approved over the trafficable roof above Level 1 at the rear of the site.
  3. Approval in accordance with Council’s Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.
  4. The updated geotechnical investigations/report required by condition 1.8 of this consent must be submitted prior to the issue of any Construction Certificate. The Geotechnical report must review the soil conditions and identify appropriate construction methods for the building as designed. The recommendations in the report shall be incorporated into the plans prior to the issuing of a Construction Certificate and are to be complied with through construction.

1. **Conditions to be Satisfied Before Construction.**
   1. The Hazardous Material Survey prepared by EI Australia Pty Ltd , titled Hazardous Material Survey Report, dated 7 June 2017, reference E23242.E10.Rev0 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 construction works commencing.

* 1. The demolition of all structures on the property must be undertaken in accordance with all the following:
     1. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date,
     2. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,
     3. Inspections being undertaken by Council including:
        1. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and before demolition work commencing, and
        2. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,
     4. Payment of an inspection fee at Council’s current rate must be paid before inspection. Council requires 48 hours’ notice to carry out an inspection,
     5. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,
     6. All demolition work must be carried out in accordance with Australian Standard 2601 – ‘The Demolition of Structures’,
     7. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,
     8. An asbestos clearance certificate issued under the *Work Health and Safety Act 2011* must be submitted to Council after the completion of demolition work,
     9. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,
     10. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,
     11. Adhere to the requirements stipulated in the approved Waste Management Plan, and
     12. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.

A copy of the final demolition inspection report must be submitted to the principal certifier before the commencement of any building work.

* 1. A construction certificate is required for the erection of a building in accordance with this Determination Notice.

This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.

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

* + 1. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier,
    2. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work,
    3. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
    4. the consent holder, if not carrying out the work as an owner-builder, has:
       1. 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
       2. notified the principal certifier of the appointment, and
       3. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
    5. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person’s intention to commence the erection of the building.
  1. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the consent holder apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92.
  2. A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

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

* 1. Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works.
  2. Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.
  3. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
  4. Council’s warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
  5. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
     1. showing the name, address and telephone number of the principal certifier for the work, and
     2. 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
     3. stating that unauthorised entry to the work site is prohibited.

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

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

* 1. Before demolition, the entire site (including any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type “A” inspection body accredited by NATA.

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 before the commencement of demolition works.

* 1. Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

1. **Conditions to be Satisfied During Construction.**
   1. If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.
   2. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
   3. Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
   4. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
      1. 7.00 am and 5.00 pm on Monday to Saturday.
      2. No construction is to be carried out at any time on a Sunday or a public holiday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council’s approval.

* 1. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the consent holder is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
  2. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
     1. All footings/ foundations
     2. At other stages of construction – any marks that are required by the principal certifier.
  3. 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. 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 certifier. Should the consent holder encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.
  5. 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.
  6. While building work is being carried out, the consent holder must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
  7. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the consent holder must, at their own expense:

1. Protect and support the building, structure or work from possible damage from the excavation, and
2. Where necessary, underpin the building, structure or work to prevent any such damage.

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

The owner of any affected buildingsis 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.

* 1. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the consent holder must, at their own expense —
     1. Protect and support the building, structure or work from possible damage from the excavation, and
     2. Where necessary, underpin the building, structure or work to prevent any such damage.

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

* 1. 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.
  2. 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.

* 1. All 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.

All waste material for disposal to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an occupation certificate.

* 1. All excavations must be kept free from the accumulation of water. Prior approval must be sought from Council to discharge any water into the Council’s stormwater drainage system. Other options for the disposal of water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.
  2. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the consent holder is to compile and provide records of the disposal to the principal certifier, detailing the following:

* The contact details of the person(s) who removed the waste
* The waste carrier vehicle registration
* The date and time of waste collection
* A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
* The address of the disposal location(s) where the waste was taken
* The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

**Note**: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the consent holder is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

* 1. The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

1. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*; and
2. 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*; and
3. 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; and
4. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
5. 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; and
6. All materials and resources that are to be stored on site during construction works are contained on the site; and
7. 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; and
8. 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.
   1. There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
   2. 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.

* 1. 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.

* 1. All soils and material, liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, the ‘Waste Classification Guidelines’ (NSW EPA, 2014), prior to off-site disposal.

The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by the principal certifier before off-site disposal. A copy of the waste classification report must be submitted to Council prior to issuing of an occupation certificate.

All waste material must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an occupation certificate.

All waste must be transported by a contractor licensed to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

* 1. All waste material generated during demolition and construction must be disposed of at an appropriately licensed waste facility for the specific waste.

All waste must be transported by a contractor licensed to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

* 1. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The consent holder must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition:
* “relic” means any deposit, artefact, object or material evidence that:

1. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
2. is of State or local heritage significance; and

* “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

1. **Conditions to be Satisfied Before Occupation.**
   1. The occupation or use of the building must not commence unless an occupation certificate has been issued.
   2. The acoustic report submitted in support of this application prepared by Acoustic Noise & Vibration Solutions Pty Ltd, titled Acoustic Report, reference number 2022-101, dated 6 April 2022.

The principal certifier 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 and condition 1.7 of this consent 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.

* 1. Before the issue of the relevant occupation certificate, a registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed stormwater management 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 Canterbury Development Control Plan 2012 Part B5. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the stormwater management system.

The principal certifier must provide a copy of the Work As Executed Plan and Hydraulic Engineer's Certification to Council with the occupation certificate.

* 1. 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 1919*.

Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, before the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, 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. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.

* 1. 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.
  2. All waste material for disposal to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an occupation certificate.
  3. No approval for the internal fit out of any tenancy within the development is provided. Separate development consent is to be obtained for the fit out of each premises.
  4. A Loading Management Plan must be submitted to and approved by the principal certifier before the issue of an occupation certificate.

The plan should identify how the loading area will be managed and used by all building tenants for waste removal vehicles, bulky good deliveries and similar.

The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

* 1. One hundred and fifteen (115) off-street car parking spaces and seventeen (17) bicycle spaces shall be provided and maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained for the lifetime of the development.
  2. One hundred and fifteen (115) off-street car spaces and seventeen (17) bicycle spaces being provided in accordance with the submitted plans.
     1. Twenty-three (23) Gymnasium spaces
     2. Four (4) Business premises spaces (Ground floor)
     3. Twenty-three (23) Medical Centre (Ground Floor) spaces
     4. Forty-Five (45) Medical Centre (Level 1) spaces
     5. Twenty (20) Business Premises spaces (Level 2)

**Note:** A minimum of four (4) accessible car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

* 1. A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level at each level, the height of external walls, the maximum reduced level (RL) of roof structures / roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans.
  2. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
2. the consent holder has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General’s Direction No. 11 – ‘Preservation of Survey Infrastructure’.
   1. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the principal certifier must request written confirmation from the relevant authority that the relevant services have been completed.

* 1. The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the principal certifier before the issue of an occupation certificate.
  2. Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier.
  3. An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
  4. Before the issue of an occupation certificate, the consent holder must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

* 1. 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 before the issue of the occupation certificate or occupation of the site.
  2. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
     1. Compelling drivers to stop before proceeding onto the public way
     2. Compelling drivers to "*Give Way to Pedestrians*" before crossing the footway; or compelling drivers to "*Give Way to Pedestrians and Bicycles*" before crossing a footway on an existing or identified shared path route.
     3. The maximum length vehicle accessing the site is to be no greater than 6.6m.
  3. Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the consent holder must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier’s satisfaction.

* 1. 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.
  2. The buildings must be readily identified from the street with the allocated property numbers.
  3. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – ‘The Control of the Obtrusive Effects of Outdoor Lighting’.

1. **Conditions of Use.**
   1. Further consent is required for the internal fit out of each tenancy prior to any use commencing within the development.
   2. The hours of operation for all uses on site shall be limited to:

* Gymnasium (Lower Ground Floor) – 24 hours
* Café (Ground Floor) – 7am to 7pm, Seven (7) days a week.
* Medical Centre (Ground Floor) – 8am – 10pm, 7 days a week.
* Medical (Level 1) – 8am – 8pm, 7 days a week.
* Business premises (Ground Floor) – 8am to 10pm, 7 days a week.
* Business Premises (Level 2) – 8am – 6pm, 7 days a week.
  1. Prior operation, any food business must complete the required registration form and submitted it to Council. This form is available online at 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.
  2. 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).
  3. 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).
  4. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

* 1. The installation of any solid fuel (charcoal, wood fire etc.) cooking appliances is not permitted on the premises. The cooking of food at the premises by means of solid fuel is not permitted. Separate approval for any fit out of the café is required.
  2. The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.
  3. During occupation and ongoing use of the building, the consent holder must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).
  4. All uses/tenancies within the development must complete an operational Plan of Management. The plan of management must incorporate the access control and CPTED principles as outlined in condition 1.6 of this consent. The plan of management should also include detail on fire evacuation for each tenancy and include staff inductions and training on procedures to follow in the event of an emergency.

* 1. All bicycle parking spaces must be secure and clearly sign posted with direction on how to store bicycles.
  2. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

* 1. The approved car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors’ vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
  2. The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.
  3. During occupation and ongoing use of the building, the consent holder must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).
  4. All vehicles associated with the development are to enter and exit the site in a forward direction.
  5. The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.
  6. The consent holder 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.
  7. 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. Council will not provide any waste collections services for the development.
  8. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.
  9. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
  10. 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.
  11. 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. The sound level output must not exceed five (5) dB(A) above the ambient background level at the boundary of the premises.

Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed to direct the playing of music towards the outdoor areas associated with the premises.

* 1. 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).
  2. 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.
  3. Letter boxes must be contained wholly within commercial lobbies. No letter boxes can be put within the front setback.
  4. The approved landscaping, deep soil and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
  5. Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
  6. All activities are to be confined within the building and no such activity shall occur externally to the building and this shall include loading and unloading, also storage of new and used materials.