# DRAFT CONDITIONS

# GENERAL CONDITIONS

|  |  |
| --- | --- |
| Number | Condition |
|  | **Approved Plans and supporting documentation** |
| Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

|  |
| --- |
| **Approved plans**  |
| Plan number  | Revision number  | Plan title  | Drawn by  | Date of plan  |
| A010 | T | Site Plan  |  | 11/12/2024 |
| A050 | G | Demolition (tree removal) |  | 11/12/2024 |
| A060 | J | Cut and Fill |  | 11/12/2024 |
| A090 | W | Basement |  | 06/02/2025 |
| A100 | CC | Ground Floor |  | 06/02/2025 |
| A105 | T | First Floor |  | 11/12/2024 |
| A110 | T | Second Floor |  | 11/12/2024 |
| A115 | U | Third Floor |  | 11/12/2024 |
| A120 | R | Roof Plan  |  | 11/12/2024 |
| A150 | K | Calculations  |  | 11/12/2024 |
| A170 | J | Storage  |  | 11/12/2024 |
| A200 | X | Elevations 1 |  | 11/12/2024 |
| A201 | U | Elevations 2 |  | 11/12/2024 |
| A202 | P | Elevations 3 |  | 08/01/2025 |
| A300 | R | Sections |  | 11/12/2024 |
| A305 | L | Sections |  | 11/12/2024 |
| L000 | F | Landscape Drawing List |  | 16/1/2025 |
| L050 | F | Landscape Site Plan |  | 16/01/2025 |
| L100 | F | Landscape Concept Plan |  | 16/01/2025 |
| L110 | F | Landscape Area Plan |  | 16/01/2025 |
| L120 | D | Lighting Axonemtric Views  |  | 16/01/2025 |
| L140 | A | Landscape Details  |  | 16/01/2025 |
| L150 | A | Maintenance Table  |  | 16/01/2025 |

|  |
| --- |
| **Approved documents** |
| Document title  | Version number | Prepared by | Date of document  |
| Acoustic report titled ‘175-177 Wellington Rd, Sefton – DA Acoustic Assessment’ | Version R1Project number 240154 | Pulse White Noise Acoustics Pty Ltd | 7 June 2024 |
| Aboricultural Impact Assessment & Tree Mangement Plan | Reference number 9666 | Redgum Horticultural | 8 April 2024 |
| Traffic & Parking Impact Assessment and addendum letter addressing Council issues  | A.02 | Headway Traffic & Transport | 13 August 2024 and 17 December 2024 |
| CPTED Principles as contained in Table 11 of the SEE | 3 | Explore Planning Solutions for Homes NSW | 17 January 2025 |

In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.1.101.S  |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Design Amendments** |
| Before the commencement of works, the following amendments to the approved landscape plans (stamped by Council) are required:1. The proposal should provide a landscaped buffer in planters for Unit 1 along the driveway side to enhance its visual and acoustic amenity. This may require the relocation of the clothesline for Unit 1.
2. The approved landscape plan shall be updated so as to be in accordance with Council’s DCP 2023 and must include the following features, notations and specifications:
3. Taller plant types are to be provided to the south of the fence line adjoining the private open space area of unit 1 to provide a visual and acoustic buffer from the communal open space area.
4. 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,
5. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
6. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), and
7. One 75ltr (minimum) major canopy tree shall be planted within the front setback to the development, and
8. Details of drainage and watering systems (if any).

1.102.S  |
| Condition reason: To ensure the orderly development of land. |
|  | **Acoustic report** |
| The acoustic report submitted in support of this application prepared by Pulse White Noise Acoustics Pty Ltd, titled ‘175-177 Wellington Rd, Sefton – DA Acoustic Assessment’, reference number 240154, dated 7 June 2024 and all the recommendations stated within the report, form part of the development consent. |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Certification by or on behalf of the Crown** |
| Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State’s building laws2.107 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  |  |

# AUSGRID CONDITIONS

|  |  |
| --- | --- |
| Number | Condition |
|  | **Ausgrid Underground Cables are in the vicinity of the development** |
| Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:* SafeWork Australia – Excavation Code of Practice.
* Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.

The following points should also be taken into consideration.* Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
* Should ground levels change above Ausgrid’s underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
* Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
 |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Ausgrid.  |
|  | **Ausgrid Kiosk Substation in the vicinity of the development** |
| The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning inbuildings - Mechanical ventilation in buildings.In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHZ) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid’s Network Standard 143. |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Ausgrid. |
|  | **New Driveways - Proximity to Existing Poles** |
| Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance. |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Ausgrid. |
|  | **New or modified connection** |
| To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries) |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Ausgrid. |
|  |

# TRANSPORT FOR NSW (RAIL AUTHORITY) CONDITIONS

|  |  |
| --- | --- |
| Number | Condition |
|  | **Geotechnical Engineering report**  |
| 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.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Electrolysis risk assessment**  |
| Prior to the commencement of building work, 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 prior to the commencement of building work. It must be ensured that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the commencement of building work.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Use of cranage and aerial operations** |
| Prior to the commencement of building work, 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. Building work must not commence until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Endorsement of documentation by Sydney Trains**  |
| Prior to the commencement of building works, 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.

Building works cannot commence until written confirmation from Sydney Trains is provided that this condition has been complied with. |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Noise levels** |
| Prior to occupation, a report must be prepared certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure’s Development Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines” as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Prevention of pollution** |
| 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.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Management of soil** |
| 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.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Maintain access**  |
| The Applicant/Developer shall not at any stage block any rail corridor access gates on Wellington Road and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities. |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Inspection of site by authorised personnel**  |
| 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. |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Authorised representative of the Applicant** |
| 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.
 |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Consultation with Sydney Trains** |
| 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.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Submission of documentation to Sydney Trains** |
| 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** |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  | **Submission of documentation to Council** |
| 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 commencement of work or occupation.  |
| Condition reason: To ensure the development is constructed and remains consistent with the guidelines and regulations of Transport for NSW. |
|  |

# BUILDING WORK

## BEFORE COMMENCEMENT OF BUILDING WORK

|  |  |
| --- | --- |
|  | **Long Service Levy** |
| Prior to commencement of building works, 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. 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>.2.104.S |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Construction Cranes May Require Separate Approval** |
| Separate approval must be sought (where required) under the relevant Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height above the proposed development and consequently, may require separate approval under the Regulations. It is advisable that approval to operate equipment (i.e. cranes) be obtained before the commencement of building works.2.105 |
| Condition reason: To ensure adequate approval of crane use. |
|  | **Car Parking Details** |
| Prior to commencement of building works, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, that it complies with the relevant parts of *AS 2890 – ‘Parking Facilities - Off-Street Carparking’* and Council’s development control plan.2.110.S  |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  | **Bicycle Parking Spaces** |
| Bicycle parking spaces are to be provided for the development in accordance with the approved plans. 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.’2.11 |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  | **Submit Plans to Sydney Water** |
| 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.2.202.S  |
| Condition Reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **BASIX Certificate** |
| The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificate. The BASIX commitments must be reflected in the plans and specifications. Any proposed changes to the BASIX commitments after the commencement of work will require an updated BASIX Certificate.2.206  |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Utilities and Services** |
| Before the commencement of building works, the consent holder must ensure the following written evidence of service provider requirements:1. a letter of consent from the relevant electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; and
2. a response from the relevant water authority as to whether the plans proposed would affect any of the relevant water authority infrastructure, and whether further requirements need to be met; and a letter of consent from the relevant telephone and broadband authority demonstrating that satisfactory arrangements can be made for the installation and supply of telephone and internet; and
3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

2.207  |
| Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.  |
|  | **Adaptable Units** |
| Before the commencement of building works, the consent holder must ensure a report from a suitably qualified consultant is prepared and demonstrates that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of AS 4299 – ‘*Adaptable Housing Standards’.*2.210.S |
| Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Erosion and Sediment Control Plan** |
| Before the commencement of building works, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents: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.2.211.S  |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Dilapidation report** |
| Before the commencement of building works, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of the adjoining buildings, structures or works and public land.Where access has not been granted 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, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be made available to Council upon request.2.212.P |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Mechanical Ventilation** |
| 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, before the commencement of building work.2.214  |
| Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Combustible Cladding** |
| The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC).1. It must be demonstrated that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
2. It must be ensured that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

2.216  |
| Condition reason: To ensure compliance with the BCA. |
|  | **Retaining Walls** |
| Retaining walls are to be constructed substantially in accordance with the approved plans. 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 before the commencement of building work.
2. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

2.301  |
| Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.  |
|  | **Engineering Works in the public road and footway** |
| All proposed works within the public road and footway shall be designed and constructed to Council’s standards and specifications, and as detailed below, and a copy of the detailed plans submitted to Council prior to work commencing. All works shall be at the applicant/developer’s expense. * + 1. A medium Duty VFC of maximum width of 3.5 metres at the property boundary for the basement access driveway.
		2. Drainage connection through a below ground OSD system discharging to the road kerb in Wellington street
		3. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFC (redundant driveways along Wellington Road fronting the development to be removed and reinstated with kerb and gutter and verge to match with remaining)s,
		4. Repair of any damage to the public road including the footway occurring during building works,
		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,
		6. The footpath is to be reconstructed along the Wellington Road frontage at full cost of the developer.

The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress and after completion of the works. 2.302  |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  | **Basement Anchoring** |
| 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.2.303 |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Finished surface levels** |
| Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.2.305  |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Pump Out System** |
| 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 Development Engineering Standards. 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 council for their records before commencement of works. The engineer must certify that the hydraulic design complies with the above relevant standards.2.308  |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **On-site Stormwater Detention System** |
| For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Bankstown Development Engineering Standards and the requirements of the BASIX Certificate. The developer shall engage a suitably qualified engineer as defined in the Building and Development Certifiers Regulation 2020, to prepare a final stormwater drainage and on-site detention system plan to be generally in accordance with the concept plan in the table below, and in accordance with the requirements contained in Council's Bankstown Development Engineering Standards. The Engineer shall certify that the design and plans comply with Council's Bankstown Development Engineering Standard, the BASIX Certificate and the relevant Australian Standards.

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Name** | **Number** | **Date** | **Prepared By** |
| Drg no: D23070, sheet nos: STO1 to STO6 | Revision - E | 09/01/2025 | Danmor Consulting Engineers |

2.310 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Driveway Design** |
| 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. Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall demonstrate compliance before the commencement of building works. 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.2.313  |
| Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Site Pedestrian and Traffic Management Plan** |
| Before the commencement of building works, a Pedestrian and Traffic Management Plan (SPTMP) must be prepared and submitted to council for their records. This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below. This plan shall include satisfactory and appropriate details of the following:1. Ingress and egress points for vehicles to and from the construction site;
2. Protection of pedestrians, adjacent to the constructions site;
3. Pedestrian management whilst vehicles are entering/exiting the construction site;
4. Method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
5. 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. 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.Any damage to public property adjacent to the site and for local roads along the transportation routes must be rectified and undertaken to council standards upon completion of work at the full cost to the developer.The 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.2.318 |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  | **Construction Site Management Plan** |
| Before the commencement of building works, a Construction Site Management Plan (CSMP) must be prepared. The plan must include the following matters:1. The location and materials for protective fencing and hoardings on the perimeter of 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:
5. Proposed truck movements to and from the site;
6. Estimated frequency of truck movements; and
7. Measures to ensure pedestrian safety near the site;

 1. Details of bulk earthworks to be carried out;
2. The location of site storage areas and sheds;
3. The equipment used to carry out works;
4. The location of a garbage container with a tight-fitting lid;
5. Dust, noise and vibration control measures;
6. The location of temporary toilets;
7. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
8. AS 4970 – Protection of trees on development sites;
9. An applicable Development Control Plan;
10. An arborist’s report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.2.401. |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  | **Sight Triangles on Plans** |
| Sight triangles are to be marked on relevant plans. The sight triangle must be a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 – Minimum sight lines for pedestrian safety of AS2890.1:2004. This shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and must be kept clear of any permanent obstacles. The sight triangle must be located at the correct locations on the site plans.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 before commencement of building works.2.406 |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  | **Waste Management Plan** |
| Before the commencement of building works, a Waste Management Plan (WMP) must be prepared. The plan must include the following matters:The plan must be prepared 1. in accordance with:
2. the Environment Protection Authority’s Waste Classification Guidelines as in force from time to time, and
3. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
4. include the following information—
5. the contact details of the person removing waste,
6. an estimate of the type and quantity of waste,
7. whether waste is expected to be reused, recycled or sent to landfill,
8. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.2.502  |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Bin Carting Route** |
| Prior to the commencement of works, the plans shall be updated to show the bin carting route from the communal bin storage room to the waste collection point identified on stamped plans must comply with the following requirements as well as the requirements of Council’s “Waste Management Guide for New Developments”:1. Is direct and less than 10.0 metres in length,
2. Has a minimum width of 2.0 metres of hard surface;
3. Is of non-slip material and free from obstacles and steps;
4. Is not located within a driveway or carpark;
5. Has a maximum grade of 1:30 (3%);
6. Has a kerbside ramp installed at the collection point; and
7. Has compliance with Work, Health and Safety legislation and standards

2.504 |
| Condition reason: To ensure the orderly collection of waste from the site. |
|  | **Communal Bin Storage Room** |
| Prior to the commencement of works, the plans shall be updated to show the communal bin storage room that complies with the following requirements as well as the requirements of Council’s “Waste Management Guide for New Developments”:1. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
2. Floors must be finished so as to be non-slip with a smooth and even surface;
3. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height.
4. Must be compatible with the overall design of the development;
5. Walls must be constructed of solid impervious material;
6. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
7. Walls, ceiling and floors must be finished in a light colour;
8. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
9. A self-closing door openable from within the room;
10. Must be constructed to prevent the entry of birds and vermin;
11. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
12. Any doorways must be 2 metres wide and open outwards; and
13. Designed to fit the following bin allocations:

|  |  |  |
| --- | --- | --- |
| **Number** | **Bin Size** | **Bin Type** |
| 5 | 660L  | Garbage (Red) |
| 4 | 660L | Recycling (Yellow) |
| 2 | 240L | Garden (Green) |

2.505 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Bulky Waste Storage Room** |
| Prior to the commencement of works, the plans shall be updated to show the bulky waste storage room that complies with the following requirements as well as the requirements of Council’s “Waste Management Guide for New Developments”:1. Situated within the waste room, as a caged area, moved to the northern corner closest to the road;
2. Designed to a minimum size of 4m2; and
3. Any doorways must be 1.5 metres wide and open outwards.

2.507 |
| Condition reason: To ensure the orderly collection of waste from the site. |
|  | **Carpark Exhaust** |
| The developer must ensure that all carpark exhaust does not directly vent into private or communal open space.2.611 |
| Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Landscape Management** |
| A site wide landscape management plan is to be prepared. The plan is to demonstrate who is responsible for and how the landscape features will be installed and detail the responsibility of ongoing maintenance of the landscaping.2.705  |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Council’s Tree Management Order** |
| 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.2.703  |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Design Verification (Housing SEPP)** |
| A design verification from a qualified designer is required prior to commencement of building works. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which development consent was granted, having regard to the design quality principles set out in Schedule 9 of Housing SEPP.2.901  |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **No Air conditioning units visible** |
| No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:1. Not be located on awnings or attached to the face of the building,
2. Not be located on roofs in such a way that it is visible from any street, footpath or park,
3. Be visually screened if located 1.8 metres above ground level in other locations, and
4. Wiring shall be fully concealed.

The development must demonstrate compliance with these requirements.2.902  |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Rooftop equipment** |
| All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from Wellington Road.2.905 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Section 73 Compliance Certificate** |
| 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. |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Temporary fence or hoarding** |
| 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. 3.204  |
| Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies. |
|  | **WC temporary toilet facilities on site** |
| 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.3.206 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Install Erosion control** |
| Before the commencement of any site or building work, it must be ensured that the erosion and sediment controls in the erosion and sediment control plan are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). 3.207 |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Soil and water management warning sign** |
| 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.3.208 |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Sign with certifier details** |
| 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 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 and 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.3.209.P |
| Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021. |
|  | **Contract of Insurance** |
| In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.3.210.P |
| Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021. |
|  | **Residential building work** |
| Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —1. In the case of work for which a principal contractor is required to be appointed—
	* 1. the name and licence number of the principal contractor, and
		2. the name of the insurer by which the work is insured under Part 6 of that Act,
2. In the case of work to be done by an owner-builder—
	* 1. the name of the owner-builder, and
		2. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.3.211.P |
| Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021. |
|  | **BASIX** |
| The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificate. The BASIX commitments must be reflected in the plans and specifications. Any proposed changes to the BASIX commitments may require an updated BASIX Certificate. |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Tree protection measures** |
| Before the commencement of any site or building work, it must be ensured that the measures for tree protection detailed in the construction site management plan are in place.3.801.S |
| Condition reason: To protect the natural environment of the development site and adjoining lands. |
|  |

## DURING BUILDING WORK

|  |  |
| --- | --- |
|  | **Procedure for Critical Stage Inspections** |
| While building work is being carried out, the work must not continue after each critical stage inspection unless it is satisfied the work may proceed in accordance with this consent.4.101.S |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Works in accordance with Building Code of Australia (BCA)** |
| Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).4.201.P |
| Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a). |
|  | **BASIX commitments** |
| While building work is being carried out, the consent holder must undertake the development strictly in accordance with the commitments listed in a relevant BASIX certificate(s), for the development to which the consent applies.4.203.P |
| Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021. |
|  | **Hours of Work** |
| Site work must only be carried out between the following times –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.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.4.204.S |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Noise and Vibration** |
| While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation. Where no noise and vibration management plan is approved under this consent, it must be ensured 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 site work is being carried out.4.205.S |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites |
|  | **Surveys by a registered surveyor** |
| While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor: 1. All footings / foundations in relation to the site boundaries and any registered and proposed easements
2. At other stages of construction – any marks that are required.

4.206.S |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Waste storage room** |
| The waste storage room must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning. 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. |
| Condition reason: To ensure compliance with the relevant waste requirements and to protect and enhance the amenity of the occupants of the development site. |
|  | **Civil and Hydraulic engineering works** |
| All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's specifications.4.301 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Stormwater drainage system** |
| The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details. 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.4.302 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Driveway adequacy** |
| 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.4.306 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Responsibility for Changes to Public Infrastructure** |
| While site work is being carried out, 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) must be paid as directed by the consent authority.4.307.S |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Shoring and adequacy of adjoining properties** |
| 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.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.4.309.P |
| Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021. |
|  | **Retaining walls** |
| 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. Should it be required, separate approval must be obtained for retaining walls.  4.310 |
| Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.  |
|  | **Waste management** |
| While site work is being carried out:1. all waste management must be undertaken in accordance with the waste management plan, and
2. upon disposal of waste, records of the disposal must be compiled and provided to , detailing the following:
3. The contact details of the person(s) who removed the waste
4. The waste carrier vehicle registration
5. The date and time of waste collection
6. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
7. The address of the disposal location(s) where the waste was taken
8. 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.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to council. 4.502.S |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Comply with** **Waste management plan** |
| 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.

4.503 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Hazardous finds** |
| Any new information revealed during building work/s that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the consent holder and/or owner. Aa NSW EPA accredited site auditor may be required to assist with the assessment of the new contamination information.4.601 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **No Stockpiling** |
| 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 otherwise agreed to by Council. 4.605 |
| Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies. |
|  | **Keep free of water** |
| All excavations must be kept free from the accumulation of water. Before 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 before approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.4.609 |
| Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.  |
|  | **Site audit statement** |
| 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.An NSW EPA Accredited Site Auditor may be required 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.4.603 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Duty to report** |
| 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.4.602 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Soil assessment** |
| 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) before 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 occupation.4.608 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Importing fill** |
| 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 for their records.All imported fill must be compatible with the existing soil characteristics of the site.4.611 |
| Condition reason:To protect the natural environment of the development site and adjoining lands. |
|  | **Implementation of the site management plans** |
| While site work is being carried out: 1. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and
2. a copy of these plans must be kept on site at all times and made available to council officers upon request.

4.701.S |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Boundary fencing** |
| Where replacement boundary fencing is required to be installed, it must be 1.8 metres high unless otherwise shown on the approved plans or as stipulated within this Determination Notice. The materials and colours of the fence must be selected in consultation with the adjoining property owners unless the design of the fence and the type of material is specified to allow for overland flow. Fencing forward of the building line must not be greater than 1.5 metres in height. All costs related to fencing must be borne by the consent holder.4.702 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Tree protection during work**  |
| While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: 1. the construction site management plan (where approved) under this consent,
2. the relevant requirements of AS 4970 Protection of trees on development sites,
3. Council’s relevant development control plan (in force as at the date of determination of this consent) and
4. any arborist’s report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones4.807.S |
| Condition reason: To protect the natural environment of the development site and adjoining lands. |
|  | **Tree protection** |
| All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – ‘Pruning of amenity trees’ and Australian Standard AS 4970 – ‘Protection of trees on development sites’. Site specific conditions relating to tree protection shall take precedence over this requirement.4.806 |
| Condition reason: To protect the natural environment of the development site and adjoining lands. |
|  | **Threatening of trees** |
| If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.4.810 |
| Condition reason: To protect the natural environment of the development site and adjoining lands. |
|  | **Trees to be retained and protected on-site** |
| The following tree/s shall be retained and protected from removal and damage for the duration of the development: * As Per the report titled ‘Arboricultural Impact Assessment & Tree Management Plan’ prepared by Redgum Horticultural dated 8 April 2024 bearing reference number 9666.

\* TPZ and SRZ in metres measured from the centre of the trunk of the tree.Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:* The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
* All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
* A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at 5 metre radius from the trunk of the *Jacaranda mimosifolia* (jacaranda). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;
* The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
	1. The Development Consent number;
	2. The name and contact phone number of the site manager;
	3. The purpose of the protection zone;
	4. The penalties for disregarding the protection zone;
* No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
* All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
* Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
* Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
* If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.
* No ripping or rotary hoeing within the Tree Protection Zone of trees to be retained is permitted.
* Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.
* In exceptional circumstances, the tree protection fencing may be temporarily relocated to allow site access for construction purposes subject to the prior approval of the project arborist, the installation of ground protection measures as detailed below, and following the clearly identified tagging of all protected trees, provided such fencing is immediately replaced on completion of the works. No damage to root systems or soil compaction will be accepted during such works.
* If the approving authority consents to materials, machinery or access over specifically nominated areas of the tree protection zone, the roots and surface soil within this area shall be mulched to a minimum depth of 100mm of hardwood wood chip overlaid with rumble boards, steel plates, or similar. This ground protection measure must be maintained for the duration of the site works.
* The trees are to be watered during dry spells, i.e. two to three weeks without adequate rainfall. The root zone should be thoroughly watered and then left to drain. A temporary/permanent irrigation system is to be installed on site where works longer than one month in duration are expected and when appropriate shall be part of the landscaping works.
* Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 Pruning of Amenity Trees, the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW), and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from Construction damage and pruning. The Tree Management Order protects trees over 5m in height. |
| Condition reason: To protect the natural environment of the development site and adjoining lands. |
|  | **Discovery of relics and Aboriginal objects** |
| While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:1. the work in the area of the discovery must cease immediately;
2. the following must be notified
3. for a relic – the Heritage Council; or
4. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:1. for a relic – the Heritage Council; or
2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

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.4.901.S |
| Condition reason: To ensure the protection of objects of potential significance during works |
|  |  |

## BEFORE OCCUPATION AND USE OF BUILDING

|  |  |
| --- | --- |
|  | Condition |
|  | **Site Consolidation** |
| Consolidation of the existing allotments must be registered by NSW Land Registry Services before occupation and use of the building. |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Number of car parking spaces** |
| Nine (9) off-street car parking spaces shall be provided and maintained for the development in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained for the lifetime of the development. Note 1: car parking spaces for people with mobility impairment in accordance with AS 2890.1 are to be maintained and provided in accordance with the submitted plans. All car parking spaces shall be allocated and marked according to these requirements. 5.105 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Tree planting on-site** |
| The applicant is to plant replacement tree/s on the site as follows:* As Per Landscape Plan. (Planting Schedule Drg no. L100)
* Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 3.4 of Canterbury Development Control Plan 2012 Part B3 – Tree Management Order.
* The tree/s shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use
* The tree/s shall be planted no closer than 3.5 metres from the wall of any approved dwelling on the property.
* The tree/s shall be planted so that future growth is not in conflict with overhead electricity wires.
* The tree/s shall be maintained for the life of the development.
 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Encroachment on Council land** |
| Before occupation, it must be ensured that no portion of the approved structure, including gates and doors during opening and closing operations, provides for encroachment upon Council’s footpath area.5.202 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Slab certification** |
| A report as prepared by a registered surveyor must be provided 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.5.203 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Preservation of survey marks** |
| Before occupation of the site and use of building, a registered surveyor must prepare documentation which demonstrates that:1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General’s Direction No. 11 – Preservation of Survey Infrastructure.

5.204.S |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.  |
|  | **Post-construction dilapidation report** |
| Before occupation, a post-construction dilapidation report must be prepared by a suitably qualified engineer, detailing whether:1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and
3. a copy of the post-construction dilapidation report must be provided to council and to the relevant adjoining property owner(s).

5.205.S |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.  |
|  | **Mechanical ventilation** |
| Before occupation, it must be ensured that the car park is ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS 1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.5.206 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Completion of Public Utility Services** |
| Before the occupation, confirmation must be obtained from the relevant authority that 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, have been completed.5.207.S |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Section 73 certificate** |
| The Section 73 compliance certificate under the *Sydney Water Act 1994* must be obtained before occupation.5.208 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **Mechanical ventilation** |
| Before occupation 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.5.209 |
| Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Repair of infrastructure** |
| Before occupation:Any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council.5.302.S |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Works-as-executed plans and any other documentary evidence** |
| Before occupation of the site, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be obtained:1. All stormwater drainage systems and storage systems, and
2. A copy of the plans must be provided to council before occupation of the site.

5.303.S |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Restriction of use / covenant** |
| 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, within 3 months of the occupation of the building. The consent holder shall maintain the system within the period that the system is not registered on the title, and evidence of the lodgment of the Section 88E Instrument with Council is to be provided prior to occupation. 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.5.304 |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Acoustic validation** |
| Prior to occupation, a report from an appropriately qualified acoustic consultant shall be obtained, not previously involved with the development, stating that the recommendations outlined in the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, titled ‘175-177 Wellington Rd, Sefton – DA Acoustic Assessment’, reference number 240154, dated 7 June 2024 have been implemented and that the relevant noise criteria have been satisfied. A copy of the report is to be submitted to Council prior to occupation.5.605 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Driveways certified** |
| 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 occupation of the site. |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Confirmation of waste facilities** |
| Occupation of the buildings must not occur 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. The waste management facilities include the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and doorway dimensions, truck turntables, bin tugs and bin lifting equipment.5.501 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Agreement with Council** |
| Before occupation of the site and building, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste.5.502 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Removal of Waste Upon Completion** |
| Before occupation of the site and building: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and
2. written evidence of the waste removal must be obtained.

5.503.S |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Completion of landscape and tree works** |
| Before occupation of the site, all landscape and tree-works must be completed in accordance with approved plans and documents and any relevant conditions of this consent.5.701.S |
| Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Key card access** |
| Before occupation of the site, it must be ensured that access to the residential lobby is secured through a key card, swipe card, intercom or other method to restrict access to the lobby to only residents or visitors.5.901 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Master locks** |
| Before occupation of the site and building, it must be ensured that letterboxes installed have non-master key locks, to prevent theft and fraud.It must also be ensured that the installation of deadlocks be fitted, to prevent theft and fraud in accordance with AS 4145.2—2008.5.902 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Property numbering** |
| The buildings / dwellings must be readily identified from the street with the allocated house numbers. An official "property numbering" letter will be issued to the consent holder indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted.5.904 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Lighting must be provided to entries** |
| Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. All lighting must be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.5.906 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Design of lighting** |
| 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’.5.907 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Design principles**  |
| Before occupation of the site, a design verification from a qualified designer shall be submitted. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications, having regard to the design quality principles set out in Schedule 9 of Housing SEPP.5.908 |
| Condition reason: To ensure compliance with the relevant New South Wales legislation. |
|  | **No Parking on waste collection days** |
| The consent holder is to obtain approval from the appropriate authority for the installation of a “No parking on waste collection days” (or similar) sign at the kerbside collection point at the designed waste collection point for the development. 5.402 |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking. |
|  |  |

## OCCUPATION AND ONGOING USE

|  |  |
| --- | --- |
|  | Condition |
|  | **Communal facilities** |
| The communal area must be available for the use by all residents of the building, and must be operated as common property on any strata subdivision of the site, with no exclusive use rights given.7.104 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Use of roof** |
| No approval is granted or implied for the useof any roof element for any purpose other than for gaining access to carry out maintenance or repairs.7.114 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Excessive vibrations** |
| The use of the premises and the operation of any 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).7.605 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Stormwater Detention** |
| 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.7.302 |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Maintenance of wastewater and stormwater treatment device** |
| During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).7.303.S |
| Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development. |
|  | **Waste Management Plan** |
| The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.7.501 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.  |
|  | **Bin room 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.7.505 |
| Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.   |
|  | **Waste and recycling policy** |
| The development must be carried out in compliance with Council’s “Domestic Waste and Recycling Service Policy and Guideline”.7.506 |
| Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy. |
|  | **Waste containers** |
| No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.7.507 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Collect and Return Service** |
| The nominated collect and return collection point are to be utilised to facilitate the collection of waste and recycling bins for the development.7.512 |
| Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy. |
|  | **Maintenance of landscaping** |
| The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.7.701 |
| Condition reason: To ensure the development is built and remains consistent with approved plans and documentation. |
|  | **Maintenance of lighting** |
| Any lighting of the premises must be installed and maintained 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.7.902 |
| **Condition reason**: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code. |
|  | **Use of parking spaces, driveways and manoeuvring areas** |
| The car parking spaces, driveways and manoeuvring areas must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.The car parking spaces, driveways and manoeuvring areas associated with the use must not be used for the manufacture, storage or display of goods, materials or any other equipment (includes mobile food vending vehicles). |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and to ensure the development is built and remains consistent with approved plans and documentation. waste storage room must be provided with |
|  | **Location of mechanical ventilation** |
| During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.7.631.S |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  | **Use of the communal area** |
| The use of the communal area is subject to the following restrictions:1. Hour of use is limited to 7.00am to 10.00pm, Monday to Saturday and 8.00am to 10.00pm, Sunday and Public Holidays.
2. Music and other amplified sound are not permitted.
 |
| Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites. |
|  |  |

#### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

#### Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means Canterbury Bankstown Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979.*

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021.*

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Canterbury Bankstown Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney District or Regional Planning Panel** means Sydney South Planning Panel.