

ATTACHMENT B – CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. The relevant Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-528/2020, submitted by Vicinity Centres PM Pty Ltd, accompanied by the drawings listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Iss/Rev	Dated	Prepared by
1100	Site Plan	03	16/4/21	fjmt studio
1400	Demolition Plan Ground Floor	03		
2000B-B2	Basement 2 Floor Plan	02		
2000B-B1	Basement 1 Floor Plan	02		
2000B-1	Ground Floor Plan	04		
2000B-2	Mezzanine Floor Plan	02		
2000B-3	Level 1 Floor Plan	02		
2000B-4	Level 2-3 Floor Plan	03		
2000B-5	Level 4 Floor Plan	03		
2000B-6	Level 5-7 Floor Plan	02		
2000B-7	Level 08 Floor Plan	02		
2000B-8	Roof	01		
3001	Jacobs Street Elevation	04		
3002	Rickard Rd Elevation	04		
3003	Eat Street Elevation	04		
3004	Kmart Elevation	04		
3005	Tower 1 South Elevation	04		
3006	Coles North Elevation	01		
3007	Tower 1 North Elevation	04		
3008	Tower 2 South Elevation	04		
3009	Tower 1 West Elevation	01		
3010	Pavilion North Elevation	01		
4000	North-South Section	04		
4002	Tower 1 East-West Section	03		
4003	Tower 2 East-West Section	03		
4101	Façade Detail Tower 1	01		
4102	Façade Detail Tower 2	01		
4103	Façade Detail Pavilion West	01		
4104	Façade Detail Pavilion East	01		
L000 CS	Cover Sheet	A	23/04/2021	Urbis
L500-PP	Planting Key Plan			
L501-PP	GF Planting Plan			
L502-PP	GF Planting Plan			

L511-PP	L4 Planting Plan			
L521-PP	L5-7 Planting Plan			
L961 DET	Softworks Typical Details			
L962-DET	Softworks Typical Details			
N186965-02-P5 (Preferred Option)		GTA Consultants		

Materials and Finishes shall be in accordance with the relevant notations made in the approved plans. No change shall be made without approval from the consent authority.

The development plans shall be amended as follows:

- a) The plans shall make provision for the removal and/or relocation of stairs and landscape beds within the Jacobs Street road reserve, near the northwest corner of the development site, with associated changes made to the design of the Civic Plaza (i.e. placement of landscaping beds, ramps and stairs)
- b) Updated plans shall be lodged with Council which illustrate the stairwell on the eastern side of the pavilion building to be set back within the building line to allow for a minimum 6m separation between the eastern face of the stairwell/pavilion building and the western face of the proposed Tower 1. To facilitate no net loss of gross floor area (GFA) as part of this requirement, the updated plans to be lodged with Council can include a design modification to offset any loss of GFA, through either extending the pavilion building line northwards across four floors to a maximum extent of 0.75m and/or extending the enclosed part of the pavilion building at Level 4, with an overall maximum of 55sqm GFA to be permitted as part of this updated design
- c) The driveway entry and exit point in Jacobs Street shall be in accordance with the plan prepared by GTA Consultants, marked as "N186965-02-P5 (Preferred Option)". The supporting column adjacent to the driveway exit in Jacobs Street shall be relocated, preferably within the site along the same alignment as the driveway as shown in purple on the above plan, so as not to sit in the pedestrian sight triangle for the exit driveway, as per AS2890.1. Sight triangle is to be marked on the Basement 1 Floor Plan and provided on the exit driveway, in accordance with AS 2890.1:2004 Figure 3.3 – Minimum Sight Lines for Pedestrian Safety. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.
- d) A median shall be provided in the car park ramp from B1 to existing at grade carpark fronting Rickard Road, generally as shown in the swept path plans prepared by GTA Consultants, Dwg No. N186965-02 Sheet 01 of 01 Issue P4 dated 15 April 2021
- e) The Direction of ramps in the basement shall reflect the detail as shown in the swept path plans prepared by GTA Consultants, Dwg No. N186965-02

Sheet 01 of 01 Issue P4 dated 15 April 2021 and Dwg No. N186965-03
Sheet 01 of 01 Issue P4 dated 15 April 2021.

- f) Provision shall be made for works to be undertaken in the existing at-grade car park fronting Rickard Road to ensure vehicles exiting the new basement can easily access the left turn only westbound exit onto Rickard Road.

All construction certificate plans shall be consistent with the amendments listed in Condition 2.

- 3) Separate Development Consent for the use of the floor space is required prior to occupation, and such must be consistent with the indicative use stipulated in the approved plans (e.g. 'food and beverage (F&B)', 'gym', and 'lobby café'). This does not include any floor area shown as 'office' for all floor area above the Ground and Mezzanine floors, or as 'end of trip facilities', 'bike storage', 'commercial lobby', 'switchroom', 'substation' and 'retail', for which official approval is granted for use as such, subject to any conditions contained in this determination notice under 'ONGOING CONDITIONS'.
- 4) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with relevant legislation.
- 5) The Detailed Site Investigation prepared by Prensa Pty Ltd, titled Environmental Site Assessment, Area 2, dated June 2020, reference Client No: V0082. Job No: 60788 and all the recommendations stated within the report forms part of the development consent.
- 6) The Hazardous Materials Report prepared by Prensa Pty Ltd, titled Hazardous Building Materials Assessment – Area 2, dated June 2020, reference Client No: V0082. Job No: 60789 and all the recommendations stated within the report forms part of the development consent.
- 7) The acoustic report submitted in support of this application prepared by ADP Consulting Pty Ltd, titled Noise Impact Assessment, report number SYD1187, dated 24 June 2020 and all the recommendations stated within the report, form part of the development consent.
- 8) The applicant shall ensure full compliance is maintained with the recommendations numbered E1, E2, E3, E4, E5 and E6 in Appendix E of the Arboricultural Impact Assessment dated 20/6/2020 prepared by Eco Logical, throughout each stage of the entire development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 9) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.

- 10) Following on from the Hazardous Materials Report referred to in Condition 6, a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of the relevant construction certificate.
- 11) Landscaping shall be installed in accordance with the approved landscape plan. The plans shall be updated to include provision for the following:
- a) Tree species listed in the landscape plan for planting within Council's footway shall be consistent with the following:
 - Jacobs Street – *Eucalyptus sideroxylon* (Ironbark) - planted in Stratavault™ Cells
 - Rickard Road - *Corymbia maculata* (Spotted Gum) – planted in landscape verge
 - The Mall – *Nyssa sylvatica* (Tupelo) - planted in Stratavault™ Cells
 - b) Planting of eight (8) trees within Council's footway in Rickard Rd, at approximately 8-10m spacings.
 - c) Planting of twelve-fourteen (12-14) trees within Council's footway in Jacobs Street, at approximately 8-10m spacings, planted a minimum of 5m from the wings of the proposed vehicular footway crossing (VFC) providing access to the proposed basement carpark. Additional trees may be planted within the wider road reserve near the NW corner of the development site but these shall not be contained within landscaping beds.
 - d) Planting of twelve-fourteen (12-14) trees within Council's footway in The Mall, in the locations as generally indicated or at approximately 8m spacings, with any planted a minimum of 5m from the wing of the existing vehicular footway crossing (VFC) providing access to the proposed bus interchange.
 - e) Conditions c) and d) above shall result in a total of 26 trees being planted within Council's footway in Jacobs Street and The Mall.
 - f) The tree/s shall have a container size not less than 400 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, planted to CBCity Standard Drawing S-207
 - g) The trees shall be planted so that future growth is not in conflict with higher levels of buildings and/or overhead electricity wires
 - h) The landscape plan shall make provision for the planting of at least another fifty (50) trees, capable of achieving a mature height of at least 10m, throughout the development site, in addition to the 34 street tree plantings required by the conditions above.
 - i) All trees shall be maintained for the life of the development.
 - j) The retention of trees identified as T32-T37 (Refer to 'Appendix C: Maps' as per Arboricultural Impact Assessment, Date: 20/6/2020)

An updated landscape plan prepared by a qualified landscape architect or designer incorporating the above is to be approved by the certifier prior to the issue of the relevant Construction Certificate.

- 12) An updated landscape plan prepared by a qualified landscape architect or designer to be approved prior to the issue of the relevant Construction Certificate is to make provision for the below:

Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only those trees identified to be lopped or removed in the table or list below. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

Approval is granted for the removal of the following trees:

- Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;
- Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
- Any of the following tree/s:

Trees	Location
T1-T31, T38	Refer to Appendix C: Maps (As per Arboricultural Impact Assessment, Date: 20/6/2020)

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Council's Tree Management Order, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 5m in height.

- 13) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with Council's Demolition and Construction Guidelines and Development Engineering Standards, and submitted to the certifier for approval prior to the issue of the relevant construction certificate.
- 14) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 15) A Construction Certificate shall not be issued until written proof that all relevant bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 16) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 17) Pursuant to sections 4.17 and 7.12 of the *Environmental Planning and Assessment Act 1979*, and the Bankstown Development Contributions Plan 2019, a contribution of \$1,821,206.81 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Contributions Plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Contributions Plan may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 18) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 19) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) One (1) heavy duty vehicular footway crossing (VFC), opposite the proposed entry/exit to the basement car park in Jacobs St. Dimensions of the VFCs must be marked on the Construction Certificate plans, and shall reflect the detail in the plan prepared by GTA Consultants, marked as "N186965-02-P5 (Preferred Option)". The VFC shall have a maximum width of 8.2m measured at the property boundary, with the northern wing measuring 1.2m and the southern wing measuring 2.0m.
 - b) Drainage connection to Council's system, if required.
 - c) Concrete footway paving along the site's footpath areas in accordance with Council's guideline.
 - d) Full depth road shoulder (where required) to Council's satisfaction.
 - e) Concrete kerb and gutter (where required) to Council's satisfaction.

- f) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- g) Repair of any damage to the public road including the footway occurring during development works.
- h) 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.
- i) Adjustment of existing road infrastructure, including traffic islands, linemarking etc, to Council's satisfaction.
- j) Works in The Mall road reserve:

Approval is granted for the removal of existing Council infrastructure (garden/landscaping beds, kerb and gutter, roadway) to allow the development to proceed.

No objection is raised to the installation of trees, street furniture and paving. However, prior to the issue of a Work Permit, written agreement needs to be reached between the applicant/adjoining land owner and Council regarding on-going responsibility, maintenance and associated funding in relation to pavers and fixed street furniture. Council will not hold specific stock for such a small area. Council will accept responsibility for street trees, and the applicant/adjoining land owner will manage the pavers and street furniture.

The wording of any agreement shall be to Council's satisfaction, prior to the issue of a Work Permit.

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

- 20) Stormwater drainage from the development shall be designed so as to comply with Council's Bankstown Development Engineering Standards. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plans all Job No. 201041, as follows:

Drawing No.	Revision	Dated	Prepared by
SKC02-000	P3	16.04.21	TTW Structural Civil Traffic Facade
SKC02-030			
SKC02-031	P7		
SKC02-040	P3		
SKC02-041			
SKC02-050			
SKC02-051			

If not already, the final plans shall be modified to make appropriate provision for the following:

- a) It is noted that the development's site drainage is connected to Council's street drainage at three locations along Jacobs Street. As Council's drainage pipe to the north of the existing pedestrian threshold at the intersection with The Mall has limited capacity, two northernmost connections should be, in terms of inflow, limited to the existing inflow for the whole range of design storms. Any flows from these two connections in excess of the existing flows should be directed to the connection at the southern end of Jacobs St. Total piped outflow (i.e. from all three connections) should not exceed the existing total outflow from the site.
- b) Similarly, the overland flows that are currently moving from the northern and north-eastern sections of the carpark towards The Mall via the existing bus interchange area should not be redirected towards Jacobs Street due to a high flooding sensitivity of the shop at the north-western corner of the Jacobs St/The Mall intersection. The plans must demonstrate that there is no increase in overland flow along Jacobs Street for all design events.

The final plans shall be certified by the design engineer that they comply with the requirements of this condition, Council's Development Engineering Standards and the relevant Australian Standards, prior to the issue of the relevant construction certificate.

- 21) Where necessary, a pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of the relevant Construction Certificate.

Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of the relevant Construction Certificate.

- 22) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 23) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with the Australian Standard AS 2890 parking series.

Pedestrian sight triangles of 2.5m x 2.0m, as per Figure 3.4 from AS2890.2:2018, will be provided, noting that that no planting will occur within these zones that will grow above 600mm. Accordingly, there will not be an obstruction to the sight distance between vehicles exiting the car park and pedestrians on the footpath on the eastern side of Jacobs Street, including the structural column as detailed in Condition 2.

All relevant Construction Certificate plans shall be consistent with these requirements.

- 24) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of the relevant construction certificate.
- 25) Any 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 waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided. The relevant Construction Certificate plans shall be consistent with this requirement.
- 26) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- f) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- g) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- h) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. It is recommended that the Site Pedestrian Traffic Management Plan (SPTMP) be submitted six months prior to the commencement of works on the site, for both demolition and construction phases of the development / project.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including

roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 27) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 28) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation

Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

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WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.
- p) The following specific works:
 - i) Vehicular Footway Crossings (VFC) in accordance with Condition 19 of this determination notice. All existing and / or new infrastructure located on Council's land in front of the development site is to be provided in accordance with Council's Engineering Standard Drawing STD DWG N° S-004. All costs associated in achieving compliance with this condition must be borne by the person having the benefit of this Determination Notice. All work must be completed prior to the issue of any Occupation Certificate.
 - ii) Planting of street trees in accordance with Condition 11 of this determination.
 - iii) Works in the public road including linemarking and changes to/removal of existing traffic islands.

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

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

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

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

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

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

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

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

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

- 29) 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.

No permanent or temporary anchors are to be installed on adjoining properties without the approval of the adjoining land owners.

If any neighbouring properties or roadway are to be utilised for support, the legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owner must be obtained and a copy of the owner's consent for

temporary rock anchors or other material in adjacent lands must be lodged to Canterbury Bankstown Council prior to the issue of the relevant Construction Certificate.

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

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

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

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve.
- b) All existing services must be shown on a plan and included on cross sectional details where appropriate.
- c) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
- d) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

A geotechnical report must be submitted and must review the soil conditions and identify appropriate construction methods for the building as designed. The building design and construction must not use the adjoining properties for temporary or permanent anchors, unless written owner consent is provided. The recommendations of the report are to provide alternative construction methods to be incorporated where adjoining sites do not permit temporary or permanent anchors. The recommendations in the report are shall be incorporated into the plans prior to the issuing of the relevant Construction Certificate and are to be complied with during the construction process.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 30) Prior to any works commencing, evidence shall be provided to the certifier demonstrating that works associated with DA-529/2020 for the relocation of the existing bus interchange on the subject site have been completed.
- 31) The demolition of those structures currently existing on the property that are required to be demolished to allow the approved works to be completed must be undertaken, subject to strict compliance with the following: -

- a) Written notice must be given to adjoining residents seven (7) days prior to the commencement of demolition advising of the commencement date.
 - b) Written notice is to be given to Council for inspection prior to demolition. Such written notice is to include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolisher.
 - c) The following inspections must be undertaken by Council:
 - (i) A pre-commencement demolition inspection when all site works required as part of this consent are installed on the site and prior to demolition work commencing; and
 - (ii) A final demolition inspection when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.
 - d) Payment of an inspection fee at Council's current rate will be required prior to inspection. Council requires 48 hours notice to carryout inspection.
 - e) Prior to demolition work, a sign must be erected at the front of the property with the demolishers name, licence number and contact phone number.
 - f) Demolition work may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition work is to be carried out at any time on a Sunday or a public holiday.
 - g) All demolition work must be carried out in accordance with Australian Standard 2601-2001 - The demolition of structures.
 - h) Where asbestos containing materials are to be removed, demolition is to be carried out by contractors who have a current SafeWork NSW licence in asbestos removal.
 - i) An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work.
 - j) Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority.
 - k) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
 - l) A copy of the final demolition inspection report is to be submitted to the principal certifier prior to the commencement of building work.
- 32) The building work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and

- ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building work.
- 33) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non-injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 34) A compliance certificate must be must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. An assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.
- A section 73 Compliance Certificate must be completed before an occupation certificate will be issued. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).
- Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- 35) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 36) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 37) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.

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

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

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 41) Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.
- 42) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 43) An identification report by a registered surveyor must be submitted to the principal certifier prior to the ground floor slab being poured to verify the buildings wall setback and floor level conform to the approved plans.
- 44) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and

infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.

- 45) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 46) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 47) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 48) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 49) 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.
- 50) Where the drainage of stormwater is intended to connect to any existing internal stormwater drainage system, the stormwater drainage system draining the site shall be cleaned out, tested for leaks and repaired as necessary. A licensed plumber is to certify that the work has been carried out.
- 51) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

- 52) Materials must not be deposited on Council's roadways as a result of vehicles leaving the development site. Drains, gutters, roadways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
- 53) In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

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

- 54) 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 7 days of the notification to the NSW EPA.
- 55) 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 included or provided to Council prior to the issue of an Occupation Certificate. All imported fill must be compatible with the existing soil characteristics of the site.

- 56) Any soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the 'Waste Classification Guidelines' (NSW EPA, 2014) prior to off-site disposal.

Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

- 57) All excavations must be kept free from the accumulation of water.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

- 59) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate (a copy of which shall be submitted to the PCA prior to the issue of the relevant Occupation Certificate).
- 60) The relevant Occupation Certificate shall not be issued until written proof that all relevant bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 61) An identification report by a registered surveyor must be submitted to the principal certifier to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 62) Three hundred and twenty-two (322) off street car parking spaces shall be provided in accordance with the submitted plans, prior to the issue of the relevant occupation certificate.

An appropriate number of these car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1.

Appropriate provision shall be made for any new car parking provided under this determination notice to be consistent with the Paid Parking Scheme approved by Council under DA-279/2019 (as modified). Should DA-279/2019 not be implemented and completed until after DA-528/2020 is completed, DA-528/2020 shall be treated as a modification of DA-279/2019.

- 63) A section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the principal certifier before the relevant occupation certificate will be issued.
- 64) Landscaping is to be installed in accordance with the approved landscape plan, as amended in accordance with Condition 11 of this determination notice. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of the relevant occupation certificate.
- 65) 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, and all relevant linemarking has been completed as per the approved plans and any relevant conditions. Such Certification shall be submitted prior to the issue of the relevant Occupation Certificate or occupation of the site.
- 66) The Principal Certifying Authority shall obtain an acoustic validation report from an appropriately qualified acoustic consultant, not previously involved in the development, stating that the relevant recommendations outlined in the acoustic report prepared by ADP Consulting Pty Ltd, titled 'Noise Impact Assessment', report number SYD1187, dated 24 June 2020 have been

implemented in the construction and that relevant noise criteria as well as the recommendations has been satisfied, prior to the issue of the relevant Occupation Certificate. A copy of the acoustic validation report shall be provided to Canterbury Bankstown Council prior to the issue of any Occupation Certificate.

- 67) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater drainage system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater drainage system.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the relevant occupation certificate.

ONGOING CONDITIONS

- 68) The report "Bankstown Central: Community Safety" dated April 2021 prepared by Vicinity Centres, shall be implemented as part of the ongoing operation of the development.
- 69) Appropriate provision shall be made in relation to secured access measures for end of trip facilities and bike storage. Where any aspect of these facilities are available to the public, appropriately secured and separate access shall be provided.
- 70) Subject to Condition 3 of this determination notice, the following shall be complied with:
- i) A Plan of Management shall be developed for the gym.
 - ii) All food and beverage tenancies shall liaise with local Police if they intend to pursue obtaining a liquor licence.
 - iii) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
 - iv) No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 71) Subject to Condition 3 of this determination notice, the approved operating hours of the development are:

- i) Commercial office towers: 7am to 6pm (with 24-hour secure access for staff);
- ii) Food and beverage facilities: 6am to 11pm (including access to office ground level amenities);
- iii) Retail: 8am to 10pm.

Any future application in accordance with Condition 3 of this determination notice must be consistent with this requirement.

- 72) The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 73) The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 74) Any lighting of the premises must be installed in accordance with AS 4282-1997, '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 request if Council considers there to be adverse effects on the amenity of the area.
- 75) Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- 76) The approved landscaping shall be maintained for the life of the development.
- 77) Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
- 78) Music and other amplified sound played on the premises must not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997*. The sound level output must not exceed

five (5) dB(A) above the ambient background level at the boundary of the premises.

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

- 79) The plan of management submitted in support of this application prepared by Vicinity Centres dated June 2020, forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management, and the plan of management should be updated to reflect any changes necessitated by the conditions of consent.
- 80) Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- 81) All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.
- 82) All vehicles associated with the development shall enter and exit the site in a forward direction.

END