

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-826/2020

Development: Demolition of all existing structures, removal of 50 trees, excavation, site remediation, civil works, new road, site landscaping and construction of 8 residential buildings including 127 dwellings over a single level common basement for parking.

Site: 149-163 149-163 Milton Street, ASHBURY NSW 2193
Lot B DP 30778, Lot C DP 30778

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 23 November 2021.

Date from which consent takes effect: 23 November 2021.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 149-163 149-163 Milton Street, ASHBURY NSW 2193 which is otherwise known as Lot B DP 30778, Lot C DP 30778

The conditions of consent are as follows:

SCHEDULE 1 – CONDITIONS

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

1. Approved Development.

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

Plan Name	Sheet No.	Date	Rev.	Prepared By
Site Plan- Analysis	0004	18.09.2021	7	SJB
Overall Plan- Basement	0101	27.10.2021	16	SJB
Overall Plan- Ground Floor	0110	27.10.2021	15	SJB
Overall Plan- Level 1	0111	27.10.2021	11	SJB
Overall Plan- Level 2	0112	27.10.2021	11	SJB
Overall Plan- Level 3	0113	18.09.2021	9	SJB
Overall Plan- Level 4	0114	18.09.2021	10	SJB
Overall Plan- Level 5	0115	18.09.2021	10	SJB
Overall Plan- Roof	0116	18.09.2021	9	SJB
Building A	0201	30.08.2021	8	SJB
Building B- Sheet 1	0211	27.10.2021	10	SJB
Building B- Sheet 2	0212	30.08.2021	8	SJB
Building C- Sheet 1	0221	30.08.2021	10	SJB
Building C- Sheet 2	0222	30.08.2021	10	SJB
Building D- Sheet 1	0231	27.10.2021	9	SJB
Building D- Sheet 2	0232	27.10.2021	9	SJB
Building D- Sheet 3	0233	18.09.2021	8	SJB
Building E	0241	30.08.2021	8	SJB

Building F- Sheet 1	0251	30.08.2021	7	SJB
Building F- Sheet 2	0252	30.08.2021	2	SJB
Elevations – North & East	0501	27.10.2021	10	SJB
Elevations – South & West	0502	27.10.2021	10	SJB
Elevations - Internal Sheet 1	0503	27.10.2021	10	SJB
Elevations - Internal Sheet 2	0504	27.10.2021	10	SJB
Elevations - Internal Sheet 3	0505	27.10.2021	9	SJB
Sections- Sheet 1	0601	27.10.2021	8	SJB
Section- Sheet 2	0602	27.10.2021	8	SJB
Apartment Plans- Building A & E	1401	18.09.2021	8	SJB
Apartment Plans- Building B	1402	27.10.2021	8	SJB
Apartment Plans- Building C	1403	30.08.2021	6	SJB
Apartment Plans- Building D	1404	18.09.2021	8	SJB
Apartment Plans- Building E	1405	30.08.2021	6	SJB
Adaptable Apartment Types	1406	30.08.2021	3	SJB
Materials and Finishes- Milton Street Façade	2201	30.08.2021	2	SJB
Materials and Finishes- Terraces A+E	2202	30.08.2021	3	SJB
Materials and Finishes- Building B+C	2203	30.08.2021	15	SJB
Demolition Plan	2501	18.09.2021	6	SJB
Pedestrian Walkway	9908	18.09.2021	2	SJB

Landscape Plans:-

Drawing/ Report	Name	Revision	Date
ARCADIA 149-163 Milton Street_LA	Landscape Design Report	E	28.10.2021

DA [E] 211028			
Sheet 000	Cover Sheet	E	28.10.2021
Sheet 101	Landscape Masterplan	E	28.10.2021
Sheet 400	Plant Schedule	E	28.10.2021
Sheet 401	Softworks Plan	E	28.10.2021
Sheet 402	Softworks Plan	E	28.10.2021
Sheet 402	Softworks Plan	E	28.10.2021
Sheet 403	Softworks Plan	E	28.10.2021
Sheet 404	Softworks Plan	E	28.10.2021
Sheet 405	Softworks Plan	E	28.10.2021
Sheet 406	Softworks Plan	E	28.10.2021
Sheet 407	Softworks Plan	E	28.10.2021
Sheet 408	Softworks Plan	E	28.10.2021
Sheet 409	Softworks Plan	E	28.10.2021
Sheet 410	Softworks Plan	E	28.10.2021
Sheet 501	Landscape Details	E	28.10.2021
Sheet 502	Landscape Details	E	28.10.2021
Sheet 601	Landscape Specification	E	28.10.2021

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

1.1. Before the issue of a construction certificate, the principal certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- a. Front Fences to the dwellings along Milton Street shall be low brick walls constructed of dry pressed bricks to match the dwellings and no higher than 1.2m. Pedestrian gates shall be in line with the brick fencing and to a height that matches the brick fencing. Pedestrian gate materials shall be metal or similar, painted or powder coated in black.

Designs shall demonstrate an appropriate response to the historic context of the streetscape and shall have at least 50% transparency.

- b. Timber windows and doors to the Milton Street dwellings visible from the public domain shall be painted timber in colour White or Cream.
- c. The proposed trees behind the kerb line of the new road indicated on plan 408 issue DA-E, prepared by Arcadia Landscape Architecture dated Oct 2021 shall be relocated to provide a minimum clearance of 700mm from the trunk centreline to the face of kerb.

1.2. The following information must be submitted to Council or the Principal Certifier with an application for a subdivision certificate:

- a. Original Plan of Subdivision signed by a registered surveyor, plus five (5) copies,
- b. Copy of this Determination Notice and any approved Section 4.55 modifications,
- c. Evidence that all conditions of consent relevant to the release of the Subdivision Certificate have been complied with,
- d. A Compliance Certificate (Section 73 of the *Sydney Water Act 1994*) from Sydney Water,
- e. Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone and broadband internet (see PS-17-005) are contained within easements created to accommodate such services,
- f. A report by a registered surveyor verifying that the external wall setbacks and roof eaves overhang to the proposed subdivision boundaries all conform with the approved plans,
- g. A Work As Executed Plan prepared by a registered surveyor, together with certification from a professional engineer as defined in the National Construction Code (NCC), of the constructed on-site drainage and/or stormwater detention system, must be obtained prior to the release of the linen plans. The Work As Executed plans must be shown on a copy of the approved stormwater drainage plan and must contain all information specified in Council's Part B5 Canterbury DCP 2012. The Work As Executed information must be shown in red ink on a copy of the approved drawings. The information must be prepared by a professional engineer as defined in the NCC and completed on Council's standard form "On-Site Stormwater Detention System – Certificate of Compliance", contained in Council's Canterbury Part B5 CDCP 2012. A copy of the Work As Executed Plan together with the certification must be submitted to Council for information prior to issue of the linen plan,
- h. A copy of the Work Permit Compliance Certificate, where required,

An application for the issue of a Subdivision Certificate must be submitted to Council on the NSW Planning Portal and appropriate fees must be paid to

Council at the time of submitting the information referred to in Part (b) of this condition.

The subdivision certificate must not be issued until the requirements of this condition have been complied with.

- 1.3. All aspects of the landscaping must be completed in accordance with the submitted landscape plan (drawn by Arcadia Revision E / Issue DA - E, submitted to Council on 8th October 2021) except where amended by the conditions of this consent. The landscaping and deep soil areas and communal open spaces are to be maintained at all times to the Council's satisfaction.
- 1.4. The civil design of the road shall generally be in accordance with plan S00.03 of project E22851 by EIAustralia dated 08/07/2020 incorporating the partial turning circle described on plan 6119-DA-0110 Rev 15 by SJB Architects dated 27/10/2021.
- 1.5. A Site Operation Traffic Management Plan shall be provided and approved by Council prior to the relevant Construction Certificate for the basement construction incorporating the Turntable Management Plan and the Site specific traffic Management Plan including control of HRV for both the interim conditions for one site developed and final road conditions when both sites identified in the site specific DCP are developed.
- 1.6. Any privacy measure implemented on rooftop terraces as part of the development must not exceed the maximum permitted building height limit as stipulated within Council's Local Environmental Plan.
- 1.7. All vehicles associated with the development shall enter and exit the site in a forward direction.
- 1.8. Maintenance of the roof top communal open space areas is to form part of common property within any future strata subdivision and the maintenance will be the responsibility of the body corporate.
- 1.9. Property, neighbouring and street trees no. 1, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 69, 70, 72, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91 - shown on the arborist report prepared by Naturally Trees on the 24th August 2020 and on the landscape plans prepared by Arcadia Revision E / Issue DA - E, submitted to council on 8th October 2021- that are impacted by the demolition, construction and development of the site must be retained and protected in accordance with all aspects and requirements for the protection of trees as stated in the Australian Standard 2009, AS 4970-2009 Protection of

Trees on Development Sites to allow for the healthy ongoing life of these trees. A tree protection barrier is to be erected around the perimeter of the Tree Protection Zone (TPZ) as defined and calculated in the Australian Standard 2009, AS 4970-2009 Protection of Trees on Development Sites prior to the commencement of any site works. The barrier is to be well maintained during construction.

No building material storage shall be allowed to encroach within the TPZ. No form of construction work or related activity such as mixing of concrete, cutting grinding, generator storage or cleaning of tools is to be permitted within the TPZ. No activity which will cause additional soil compaction within the TPZ. All drainage run off, sediment, concrete and mortar slurry, paints and washings, toilet effluent, petroleum products and any other waste products must be prevented from entering the TPZ.

Any required excavation works that fall within the TPZ of the trees must be approved and supervised by an AQF Level 5 Registered Consulting Arborist with a minimum 5 years industry experience to ensure that all the above conditions are met and use methods which allow the root system of the tree to remain preserved and intact such as **hand digging methods**.

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

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

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

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

- 1.11. 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.
- 1.12. Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an Occupation Certificate.

All imported fill must be compatible with the existing soil characteristics of the site.

- 1.13. The development is to be carried out in accordance with the commitments shown in the approved BASIX Certificate No. 1123393. The BASIX commitments approved with the development application are to be reflected in the construction certificate plans and specifications.
- 1.14. A dilapidation report prepared by an accredited engineer, detailing the structural adequacy of the adjoining properties at No. 8 & 10 Yabsley Avenue and 145 and 147 Milton Street, Ashbury, and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority prior to the issue of a Construction Certificate and undertaken during construction. All costs to be borne by the applicant.
- 1.15. A photographic survey must be prepared of the adjoining properties at No. 8 & 10 Yabsley Avenue and 145 and 147 Milton Street, Ashbury, detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury Bankstown Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury Bankstown Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of

the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.

1.16. The demolition of all structures currently existing on the development site 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.

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

- 2.1. Development Contributions of **\$2,313,923.38.** must be paid for this development before the issue of any construction certificate. The contributions are levied under Canterbury Development Contributions Plan 2013 and Section 7.11 of the Environmental Planning and Assessment Act 1979. The contributions will be used to provide, extend or augment public amenities or public services required due to additional demand for these facilities created by the new development. The development contribution will be allocated to the following purposes under the contributions plan:

Community Facilities	\$209,298.50
Open Space and Recreation	\$2,045,754.99
Plan Administration	\$58,869.89

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

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

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

- 2.2. A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the principal certifier prior to the issue of a construction certificate. The landscape plan must be prepared in accordance with Canterbury DCP 2012 and must include the following features, notations and specifications:
- a. 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,
 - b. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
 - c. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any),
 - d. Details of drainage and watering systems (if any),
 - e. A Landscape maintenance schedule period of 12 months is to be applied to this development. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan,
 - f. All the tree supply stocks shall comply with the guidance given in the publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003),
 - g. All scheduled plant stock shall be **pre-ordered**, 3 months prior to the commence of landscape construction works, , for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 5577),. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
- 2.3. The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 2.4. Approval in accordance with Council's Tree Management Order (TMO) is granted to remove trees
2,3,4,5,9,10,11,12,13,23,24,26,37,38,40,41,42,43,44,45,46,47,48,49,50,
51,52,53,54,55,56,57,58,59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 71, 73, 74,
75, 76, 77, 78 (Refer to SJB drawing, Overall Plan – Ground Floor,
number 0110 revision 15, dated 27.10.2021) . Tree lopping, pruning and
protection is to be undertaken in accordance with the arborist report. 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.
- 2.5. Before the issue of a construction certificate or, the person having benefit
of this Determination Notice is to ensure that an erosion and sediment
control plan is prepared in accordance with the following documents before
it is provided to and approved by the certifier:
- a. Council's development control plan,
 - b. the guidelines set out in the NSW Department of Housing manual
'Managing Urban Stormwater: Soils and Construction Certificate' (the
Blue Book), and
 - c. 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 person having benefit of this Determination Notice must ensure the
erosion and sediment control plan is kept onsite at all times during site
works and construction.

- 2.6. Before the issue of a construction certificate, the person having benefit of
this Determination Notice is to ensure that a waste management plan is
prepared in accordance with the EPA's Waste Classification Guidelines and
the following requirements before it is provided to and approved by the
certifier:
- a. Council's Waste Management Development Control Plan
- 2.7. Before the issue of the relevant construction certificate, the person having
benefit of this Determination Notice must submit the following written
evidence of service provider requirements to the certifier:
- a. a letter of consent from the relevant electricity provider demonstrating
that satisfactory arrangements can be made for the installation and
supply of electricity; and
 - b. a response from the relevant water authority as to whether the plans
proposed to accompany the application for a construction certificate

- would affect any the relevant water authority infrastructure, and whether further requirements need to be met; and
- c. 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
- d. 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.

2.8. 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 in™.

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 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.

2.9. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.

2.10. A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation. Payment can be made via the [Long Service Portal](https://www.longservice.nsw.gov.au) at <https://www.longservice.nsw.gov.au>.

2.11. The person having benefit of this Determination Notice shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:

- a. A / An Heavy Duty Duty VFC of maximum width of approved width at the property boundary in accordance with the Council approved internal road plans.
- b. Drainage connection to Council's drainage system,
- c. Reconstruction of the concrete footway paving along the site's entire frontage of Milton Street,
- d. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,

- e. Repair of any damage to the public road including the footway occurring during building works, and
- f. 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.
- g. Reconstruction of the kerb and gutter along the frontage of the site

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

- 2.12. All cost related in to providing infrastructure both inside and outside of the site to enable the function of the Site Specific Traffic Management would be borne by the applicant.
- 2.13. The final road configuration civil and landscape plan for the completed final form of the road for that part of the road on the applicants site, identified in the site specific DCP, shall be provided to Council and approved prior to the issue of a construction certificate.
- 2.14. A bond to the sum of \$105,000 shall be held in trust for the benefit of the strata of 149-163 Milton Street to enable the required road alterations to be constructed to align with the final road arrangement when both sites identified in the site specific DCP are occupied. The road shall be constructed in accordance to the "final road configuration civil and landscape plan" a maximum of 6 months after the release of an Occupation Certificate for 165-171 Milton Street Ashbury.
- 2.15. Finished surface levels of all internal works, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 2.16. Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking and Council's development control plan.
- 2.17. Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grades 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.

- a. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the Principal Certifier prior to the issue of the construction certificate.
- b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

2.18. An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.

2.19. Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a professional engineer as defined by the Building Code of Australia in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below. The final plan shall be certified by a professional engineer as defined by the Building Code of Australia that it complies with Council's Canterbury Development Control Plan 2012 Part B5, the BASIX Certificate and the relevant Australian Standards.

Drawing number	Revision	Date	Prepared By
SW00	B	30.08.21	Integrated Group Services
SW01	B	30.08.21	Integrated Group Services
SW02	B	30.08.21	Integrated Group Services
SW03	B	30.08.21	Integrated Group Services
SW04	B	30.08.21	Integrated Group Services
SW05	B	30.08.21	Integrated Group Services

The above listed stormwater management plans shall be amended to ensure the following:

- a. The OSD tank shall be designed to include an overflow to cater for the 1% AEP flows, and be directed to Council Trunk drainage system.
 - b. All surface water including basement pump out drainage shall be directed to the OSD tank.
- 2.20. The proposed internal drainage for the site incorporates a groundwater collection system to reduce the inflow of groundwater to Wagener Oval. This system requires approval from the NSW Office of Water. Prior to the issue of a construction certificate, the applicant shall direct their environmental consultant to formally engage with Council to prepare the required documentation to submit to the NSW Office of Water, or other bodies as required, for approval of the proposed groundwater collection system described on stormwater drawing SW02&SW03 revision B Dated 30.08.2021, prepared by Integrated Group Services.
- 2.21. The principal certifier shall ensure the stormwater easement burdening the subject site is not compromised, no structures are proposed within its boundaries, and is feasible to be utilised by the beneficiary lots.
- 2.22. The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The Engineer must certify that the Hydraulic design complies with the above relevant standards.
- 2.23. 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 any Construction Certificate.
- 2.24. The layout of the approved car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, and parking bay dimensions, etc) shall be in accordance with the AS 2890 parking series.
- Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifier prior to the issue of the Construction Certificate.

The basement is designed to be utilised by a heavy rigid vehicle as defined in AS2890. The construction certificate documentation shall ensure the access, turntable is compliant with the intended use.

Should the approved plans include a parking layout that does not comply with above, the plans shall be amended to comply with the relevant AS2890 parking element.

The principal certifier shall ensure the above is certified by a suitably qualified engineer.

- 2.25. 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 professional engineer as defined by the Building Code of Australia. Plans and details prepared and signed by the professional engineer as defined by the Building Code of Australia are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

- 2.26. The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.

- 2.27. 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 method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e. Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f. Proposed route for transportation of bulk and excavation materials to and from the development site.

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

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

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

In addition an RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 2.28. 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.

- 2.29. As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, Council requires the person having benefit of this Determination Notice to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit prior to issue of any construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

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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, and
- m. Demolition is proposed.

The person having benefit of this Determination Notice shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:

- a. Intersection works with Milton Road, including kerb returns, pram ramps.
- b. Reconstruction of footpath, and kerb and gutter fronting the site frontage on Milton Road.
- c. Stormwater connection through Council trunk pipe located at the rear of the site.
- d. Removal of all redundant driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,
- e. Repair of any damage to the public road including the footway occurring during building works, and
- f. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The person having benefit of this Determination Notice should make application and payment for the Work Permit at least twenty-one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 2.30. The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 2.31. 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.
- 2.32. Waste Storage Room Construction - A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the waste storage rooms, one - eight plus the bin holding room and turntable area, in the basement, has been designed to be constructed in accordance with the Waste Management Guide for New Developments and including the following requirements:
- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
 - b. The floors must be finished so that is non-slip and has a smooth and even surface.
 - c. The room is to be integrated within the building, a minimum 2.7m unobstructed room height is required in accordance with the Building Code of Australia.
 - d. The walls must be constructed of solid impervious material.
 - e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
 - f. Walls, ceiling and floors must be finished in a light colour.
 - g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - h. A self-closing door openable from within the room.
 - i. Must be constructed to prevent the entry of birds and vermin.

- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
 - k. Any doorways must be 2m wide.
 - l. Building A- Bin Room 1- designed for minimum area of 1 m x4.5 m long and designed to fit 3x 240L recycling bins and 3x 240L garbage bins.
 - m. Building B- Bin Room B- designed to have minimum area 28m² and designed to fit 4 x 1,100L garbage bins. This room will also house a waste chute with 2x bins under.
 - n. Building C- Bin room C- designed to have minimum area of 27m² and designed to fit 4x 1100L garbage bins. This room will also house a waste chute with 2x bins under.
 - o. Building D1-Bin Room 5-designed minimum size of 8m² at approximately 2.6m x3.15m and designed to fit 4x 240L recycling bins 4x 240L garbage bins.
 - p. Building D2-Bin Bin Room 6-designed minimum size of 8m² at approximately 2.6m x3.15m and designed to fit 4x 240L recycling bins 4x 240L garbage bins.
 - q. Building E – Bin Room 3- Designed minimum size 1m x 4.5m and designed to fit 3 x 240L recycle bins and 3x 240L garbage bins.
 - r. Building F1—Bin Room 4 - Designed minimum size 1m x 5.9m and designed to fit 4 x240L recycling bins 4x 240L garbage bins.
 - s. Building F2—Bin room 2 – designed to be minimum size of 1m x 4.5m and designed to fit 3x 240L recycling bins and 3x 240L garbage bins.
 - t. Additional Recycling room near the loading dock area to be Designed to minimum size of 15m².
 - u. Waste Collection room/ Bin holding Room to be designed to minimum size of 89m². This is to fit 24x 1100L bins along with bin washing area, bin lifter, and bin tug devices. The doorways to this room must be minimum 4 m wide.
- 2.33. Bin Carting Route from Bin storage room to bin collection area - A design certificate and detailed plans are to accompany any CC application which demonstrate that the bin carting route from the waste storage room (s) to nominated collection point has been designed to be constructed in accordance with the following requirements:
- a. Direct and less than 10 metres.
 - b. Minimum 2m wide hard surface.
 - c. Non-slip, free from obstacles and steps.
 - d. A maximum grade of 1:30 (3%).
- 2.34. Bulky Waste Storage Room Construction - A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the bulky waste storage room has been designed to be

constructed in accordance with the Waste Management Guide for New Developments and including the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The walls must be constructed of solid impervious material.
- d. The room is to be integrated within the building, a minimum 2.7m unobstructed room height is required in accordance with the Building Code of Australia.
- e. Walls, ceiling and floors must be finished in a light colour.
- f. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- g. A self-closing door openable from within the room.
- h. Must be constructed to prevent the entry of birds and vermin.
- i. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- j. Any doorways must be 2m wide.
- k. Building A- Bulky Waste Room 1- designed to a minimum size of 9m².
- l. Building B- Bulky Waste Room B- designed to a minimum size of 6m².
- m. Building C- Bulky Waste Room C- designed to a minimum size of 6m².
- n. Building D1 - Bulky Waste Room 5- designed to a minimum size of 7m².
- o. Building D2- Bulky Waste Room 6- designed to a minimum size of 7m².
- p. Building E - Bulky Waste Room 3- designed to a minimum size of 9m².
- q. Building F1 Bulky Waste Room 4- designed to a minimum size of 9m².
- r. Building F2- Bulky Waste Room 2- designed to a minimum size of 9m².
- s. Waste temporary bulky good collection area in the loading dock to be a minimum of 32m².

- 2.35. Access for Waste Collection Vehicle - A design certificate and detailed plans certified by a traffic engineer are to accompany the CC application that confirms that the development can be accessed and serviced by a Heavy Rigid Vehicle waste collection vehicle in accordance with the Waste Management Guide for New Developments. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004 for a Heavy Rigid Vehicle.

The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements (as per AS2890.2-2004 for a Heavy Rigid Vehicle):

- a. 30 tonne waste collection vehicles
 - b. Turning circle of 25 metres
 - c. Length of 12 metres
 - d. Clearance height of 4.5 metres
- 2.36. Direct waste collection from basement - A design certificate and detailed plans, certified by a traffic engineer, are to accompany the CC application that confirms that the waste can be directly collected from the basement as detailed in the WMP. The design certificate is to be in accordance with the Waste Management Guide for New Developments and specifically confirm that the:
- a. Waste collection vehicle can access the basement, adequately manoeuvre into position, load bins and exit the basement.
 - b. Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area.
 - c. The collection vehicle must be able to manoeuvre in the basement with limited need for reversing.
 - d. The grades of entry/exit must not exceed the capabilities of the waste collection vehicle.
 - e. The floor of the basement has been designed to carry the load of the vehicle, min 30T.
 - f. The gradient is to be suitable for a Heavy Rigid Vehicle as per AS2890.2-2004.
 - g. Turntable designed to accommodate a Heavy Rigid Vehicle as per AS2890.2-2004.
- 2.37. Waste Chute Design - Where the development incorporates a Waste Chute as part of the waste management system, for buildings B and C, a design certificate and detailed plans are to accompany any CC application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide for New Developments and specifically the following requirements:
- a. Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material.
 - b. Chute is cylindrical in section, vertical and without bends as it passes through the floors.
 - c. Chutes must terminate in the waste storage room and discharge into a 1100L waste bin.
 - d. Chute discharge point is to allow 1100L bin height (1500mm) under.
 - e. Comply with manufactures technical specifications and operational limitations.

- 2.38. Recycling Cupboards - where the development incorporates Recycling Cupboards, as part of the waste management system for buildings B and C, a design certificate and detailed plans are to accompany any CC application which confirms that the recycling cupboards can be constructed to satisfy the Waste Management Guide for New Developments and specifically the following requirements:
- a. of size to fit 2x240L bins with space to manoeuvre in and out of the cupboard.
 - b. recycling cupboards in Building B be of minimum size 1m deep x 1.6m long.
 - c. recycling cupboards in Building C be of minimum size of 1m deep x 2m long.
- 2.39. Waste Collection on internal roads - the development site must be capable of being serviced for waste collection, prior to the completion of the adjoining site road network. A design certificate and detailed plans, certified by a traffic engineer, are to accompany the CC application, which confirm that:
- a. Waste collection vehicles can enter and exit the development site in a forward direction without the need for reversing.
 - b. Turning circles and manoeuvring areas can accommodate a Heavy Rigid Vehicle in accordance with AS2890.2-2004.
 - c. Roads and manoeuvring areas have been designed in accordance with AS2890.2-2004.
 - d. Road signage details.
- 2.40. A Site Access Traffic report shall be prepared by a suitably qualified consultant incorporating traffic modelling of this new intersection (Site Road and Milton Street) and the relevant trip generation. This report is to address the access geometry of the new road/Milton Street interface and provide conclusions and associated plans for the treatment of this intersection. This report shall be forwarded to Council and will be considered in association with the approval of the Final Civil and Landscape plans as required by condition 2.13.
- 2.41. Sightlines for pedestrian safety should be maintained as per AS2890.1-2004, Fig 3.3 and sightlines for vehicles should be maintained as per AS2890.1-2004.
- 2.42. The applicant shall apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone, 8 weeks in advance prior to commencement of construction, including payment of the relevant fees and charges. This is subject to recommendation by the Traffic

Committee and must be approved and paid for prior to issue of a Construction Certificate.

- 2.43. A Construction Traffic Management Plan will be required to be submitted six months prior to issue of Construction Certificate and commencement of works for the site, for both the demolition and construction phases of the development. The CTMP shall indicate the proposed travel route to the nearest state road and this route shall be approved by the Council's Director of City Assets. A pre and post construction dilapidation report shall be provided to Council for records and a damage assessment undertaken on the issue of the Occupation Certificate. The cost of restoration of damage to road assets that can be attributed to the development construction traffic shall be borne by the applicant.
- 2.44. Prior to the issue of a Construction Certificate for the construction of any above ground building works, the site is to be remediated in accordance with:
- a. The approved Remedial Action Plan, prepared by El Australia titled, '*Remediation action plan, 149-163 Milton Street, Ashbury*', report number E22851.E06_Rev2, dated 1 September 2020;
 - b. *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - c. The guidelines in force under the *Contamination Land Management Act 1997*; and
 - d. The conditions within the Site Audit Statement prepared by the NSW EPA Accredited Site Auditor, prepared by Tim Chambers, NSW EPA Accredited Site Auditor, site audit statement number TNC119, dated 8 May 2019.

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

Any variations to the approved Remediation Action Plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council notified prior to the continuing of such work.

- 2.45. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be obtained from an NSW EPA Accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and that the site is suitable for the proposed use. Conditions on the Site Audit Statement must form part of the consent.

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and approved by Council prior to the issue of a Site Audit Statement.

3. Conditions to be Satisfied Before Construction.

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

This Determination Notice does not authorise building work until a Principal Certifier has been appointed as the Principal Certifier for the work by (or with the approval of) the person having the benefit of this Determination Notice.

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

- a. the principal certifier has, no later than 2 days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of his or her appointment as the principal certifier,
- b. the principal certifier has, no later than 2 days before the building work commences, notified the person having the benefit of this Determination Notice of any inspections that are required to be carried out in respect of the building work,
- c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
- d. the person having the benefit of this Determination Notice, if not carrying out the 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 involve, and
 - ii. notified the principal certifier of the appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
- e. the person having the benefit of this Determination Notice has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.

- 3.2. 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.
- 3.3. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- a. In the case of work for which a principal contractor is required to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. In the case of work to be done by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- 3.4. Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
- 3.5. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 3.6. 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.
- 3.7. Prior to the commencement of work, the person having the benefit of this Determination Notice 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.

- 3.8. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice 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 > Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.

- 3.9. A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

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

- 3.10. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifier for the work, and
 - 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
 - stating that unauthorised entry to the work site is prohibited.

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

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

4. Conditions to be Satisfied During Construction.

- 4.1. Building work must be carried out in accordance with the requirements of the BCA.

- 4.2. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
- a. 7.00 am and 5.00 pm on Monday to Saturday.
 - b. No construction is to be carried out at any time on a Sunday or a public holiday.

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

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

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

- 4.3. There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 4.4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
- a. All footings/ foundations
 - b. At other stages of construction – any marks that are required by the principal certifier.
- 4.5. Should any works required on downstream properties, the works shall be carried out in accordance with the following:
- a) The owners of downstream property shall be given at least seven (7) days notice in writing of intention to commence work within their property, together with particulars of the proposed work.
 - b) Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
 - (i) Preserve and protect such building from damage; and
 - (ii) If necessary underpin and support such buildings.
 - c) Restoration of drainage works over the downstream property shall be to the satisfaction of the owners of the property/these properties.

- 4.6. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 4.7. If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 4.8. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
 - a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 - b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.
- 4.9. 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 person having the benefit of the development consent must, at the person's own expense —
 - a. Protect and support the building, structure or work from possible damage from the excavation, and
 - b. Where necessary, underpin the building, structure or work to prevent any such damage.

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

- 4.10. The stormwater drainage system shall be constructed in accordance with Council's Canterbury Development Control Plan 2012 Part B5 and the engineering plans and details approved by the Principal Certifier. Should the person having benefit of this Determination Notice 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.

- 4.11. The wastewater from the car wash bay shall be collected and disposed of, in accordance with the requirements contained in Council's Development Engineering Standards.
- 4.12. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this Determination Notice must, at his/her own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This consent condition does not apply if the person having the benefit of the development consent 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.

- 4.13. 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.
- 4.14. If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 4.15. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this Determination Notice must, at the person's own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

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

- 4.16. Requirements of the approved WMP shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*.
- b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*.
- c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
- e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/details are also to be kept of person removing the waste.
- f. All materials and resources that are to be stored on site during construction works are contained on the site, 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
- g. 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

- 4.17. Council Inspection – Waste Management Facilities - At completion of basement level, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval and Waste Management Plan. Specifically, 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, and that all waste facilities are fit for purpose.

5. Conditions to be Satisfied Before Occupation.

- 5.1. The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 5.2. An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 5.3. Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 5.4. 251 off- street car spaces being provided in accordance with the submitted plans.
This shall comprise:

226 residential spaces including 13 accessible spaces; and

25 residential visitor spaces including 1 accessible car space.

14 of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 5.5. A total of 39 bicycle spaces, comprising of 26 residential bicycle spaces and 13 visitor bicycle spaces, must be provided on-site in accordance with the approved plans.
- 5.6. Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance

with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

- 5.7. A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 5.8. A registered surveyor shall prepare a Work As Executed Plan and certification of the constructed stormwater management system shall prepared by a professional engineer as defined by the Building Code of Australia shall be submitted to Council.

The information on the Work As Executed Plan shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Canterbury Development Control Plan 2012 Part B5. The stormwater management system shown on the Work As Executed Plan must be certified by the prepared by a professional engineer as defined by the Building Code of Australia.

A copy of the Work As Executed Plan and Certification prepared by a professional engineer as defined by the Building Code of Australia shall be submitted to Council for information prior to issue of the final occupation certificate.

- 5.9. 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 Bankstown Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

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, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Bankstown 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.

- 5.10. An Occupation Certificate for the completed development must not be issued until all conditions relating to demolition, building have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 5.11. 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.
- 5.12. The dwellings/buildings must be readily identified from the street with the allocated house numbers. An official "house numbering" letter is issued to the person having benefit of this Determination Notice indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted.
- 5.13. The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the Principal Certifier prior to the issue of an occupation certificate.
- 5.14. Prior to issue of an Occupation Certificate, the proponent must submit a detailed validation report to Council and the principal certifying authority. The validation report must be prepared in accordance with:
- i. 'State Environmental Planning Guideline (SEPP) 55 – Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
 - ii. Relevant EPA Guidelines, noting the 'Guidelines for Consultants Reporting of Contaminated Land 2020 and
 - iii. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

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

- 5.15. Council Inspection – Waste Management Facilities - Prior to the issue of any Occupation Certificate, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, and Waste Management Plan. Specifically, 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 door way dimensions, truck turntables, and that all waste facilities are fit for purpose.
- 5.16. Waste Collection Agreement with Council - Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement

with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its contractors to enter and exit for the purpose of waste and recycling collection. The development is also required to indemnify council and its contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building. A positive covenant shall be placed on the property title, such as section 88B certificate.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.

The provision of Council's waste collection service will not commence until formalisation of the agreement.

- 5.17. Inspection – Waste Vehicle Access and Manoeuvring - Prior to the issue of any Occupation Certificate, a traffic engineer is to inspect and approve all waste vehicle access and manoeuvring/turning movements to ensure they comply with the development approval and design certificate, and that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide for New Developments. Specifically:
- a. The path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with HRV specification in AS2890.2-2004.
 - b. Waste collection vehicles can enter and exit the development site in a forward direction without the need for reversing.
 - c. Turning circles, turntables and manoeuvring areas can accommodate a Heavy Rigid Vehicle.
 - d. Roads and manoeuvring areas have been designed in accordance with AS2890.2-2004 for HRV.
 - e. A Site operational traffic management plans shall be provided, and Road signage is as specified and in place as per Site Operational Traffic Management Plan; and the Loading Dock Management Plan, prepared by ASON GROUP dated 9th November 2021. At a minimum it shall include the following Traffic Management Equipment:
 - 3 x Stop / Go Signal with R1-4N sign
 - 2 x Stop / Go Signal
 - 2 x Dynamic Signboards at New Street / Milton Street intersection
 - 1 x Dynamic Signboard adjacent to Signal #2 (refer to sketch)
 - 2 x R6-248 (mod) signs
 - Detection devices (i.e., induction loop, laser or other detection mechanism
 - 1 x Customised Direction Sign for trucks accessing 149-163 Milton Street basement

6. ON-GOING USE CONDITIONS

- 6.1. The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- 6.2. The development must operate in full compliance with Council's Waste Management Collection requirements.
- 6.3. The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is always to be kept clear of obstructions so not to restrict the collection of waste and recycling bins.
- 6.4. Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:
 - a. Responsibility for cleaning and maintaining waste storage bins and Containers.
 - b. Responsibility for cleaning and maintaining waste storage room.
 - c. Responsibility for the transfer of bins to the nominated collection point.
 - d. Method of communication to new tenants and residents concerning the developments waste management system.
 - e. Cleaning up and management of bulky waste.
 - f. Responsibility for maintaining the compost bin or worm farm.
 - g. Responsibility for organising regular maintenance of the turntable.

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.

- 6.5. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 6.6. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
- 6.7. Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated. Contingency plan to be detailed in the Waste Management Plan and the loading dock plan.
- 6.8. The Loading Dock Management plan prepared by ASON GROUP dated 9th November 2021 is to be implemented throughout the ongoing use of the development.

- 6.9. Council Waste Management Vehicles shall always have unimpeded and priority access.
- 6.10. Appropriate documentation shall be provided by the developer to show it has entered into a three (3) year loading dock maintenance agreement at its own cost.
- 6.11. The applicant must ensure that all activities within the premises comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
- 6.12. 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.
- 6.13. Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the area.

For further information regarding this notice **DA-826/2020** please contact Ms Zena Ayache in Development on 9707 5516.

SCHEDULE 2 – REASONS

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