

SCHEDULE 1 – CONDITIONS

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

1. Approved Development.

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

Plan No.	Plan Name	Date	Revision	Prepared By	
DA1.07	Site Plan	28/09/2021	J	Marchese Partners	
DA2.01	Basement 2	27/08/2021	H		
DA2.02	Basement 1	28/09/2021	J		
DA2.03	Level Ground		K		
DA2.04	Level 1		H		
DA2.05	Level 2				
DA2.06	Level 3				
DA2.07	Level 4				
DA2.08	Level 5				
DA2.09	Roof Level				
DA3.01	Site Elevations – West & East		28/09/2021		B
DA3.02	Site Elevations – North & South				
DA3.03	Site Elevations				
DA3.04	Site Elevations	E			
DA3.05	Site Elevations				
DA3.06	West Elevation – Building E				
DA3.07	North Elevation – Building E				
DA3.08	East Elevation – Building E				
DA3.09	South Elevation Building E				
DA4.01	Site Section – Section 1-1	H			
DA4.02	Site Section – Section 2-2, Section 3-3				
DA5.16	Building E Entry	28/09/2021	B		
DA5.17	Building E Lobby Entry	27/08/2021	A		
DA6.01	Adaptable Unit Plan – Type A		C		

DA6.02	Adaptable Unit Plan – Type B		A	
DA8.01	External Finishes Schedule			
DA8.02	External Finishes Schedule			
DA8.03	External Finishes Schedule			
LA04	Site Plan	2/09/2021	D	Taylor Brammer
LA06	Detail Plan - North			
LA07	Detail Plan - South			
LA08	Planting Plan - North			
LA09	Planting Plan - South			
LA10	Roof Garden Site Plan			
LA11	Roof Garden Detail Plan			
LA12	Site Section Elevations			
LA13	Entry Plaza Section Elevations			
LA14	Tree Removal and Retention Plan			

Document No.	Document Name	Date	Revision	Prepared By
20201413.1/2201A /R0/HC	DA Acoustic Assessment	22/01/2021	0	Acoustic Logic
112793-Access-r1	Access Assessment Report	3 February 2021	1	BCA Logic
CES170303-SD-AE	Remedial Action Plan	18 July 2018	0.0	Consulting Earth Scientists
CES170303-SD-AB	Stage I – Preliminary Site Investigation	17 August 2018	1.0	
18140 SAR KJL196 SctB 27Aug18 Final	Site Audit Report	27 August 2018	-	ZOIC Environmental
CES170303-SD-AC	Preliminary Geotechnical Investigation Report	28 August 2017	0.0	Consulting Earth Scientists
D2017-014	Building Code of Australia 2019 Capability Statement for DA Submission	17 December 2020	R03	Technical Inner Sight

Retirement Village Nelson Short Street Potts Hill	Heritage Impact Assessment	May 2017	-	Andrew Starr and Associates Heritage Consultants
-	Construction & Demolition Waste Management Plan	25/08/2021	B	Elephants Foot Consulting
SO857	Operational Waste Management Plan	23/08/2021	F	Elephants Foot Recycling Solutions
-	Operational Management Plan	September 2021	-	Mecone
-	Statement of Environmental Effects for a Seniors Living Development	February 2021		
-	Addendum to Statement of Environmental Effects - CPTED	-		
17-457-01	Civil Stormwater Management Report	26 August 2021	03	AT&L
20256	Traffic and Parking Assessment	July 2021	F	Transport and Traffic Planning Associates

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

1.2. 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. Unit No. E.00.03, E.01.07, E.02.07, E.03.07, E.04.07 & E.05.07 shall be amended so each ensuite bathroom has an operable window facing either north or west, and for the master bedroom door to be either a cavity sliding door, or open towards the kitchen to allow for cross ventilation of the apartments. All construction certificate plans shall be consistent with this requirement.
- b. Unit No. D.00.01 shall have a window added to the living room facing west, as marked in red on the approved plans. All construction certificate plans shall be consistent with this requirement.

- c. The balconies of Unit No. C.00.01 & C.00.02 shall be reduced in depth to ensure a setback of 12m is achieved between the edge of the balcony of these units and the habitable area of Building D. The reduction of the depth of the balconies shall also ensure that the minimum private open space areas prescribed under the Apartment Design Guide are maintained.
- d. An amended storage plan shall be prepared and endorsed by the principal certifier that demonstrates compliance with Objective 4G-1 of the Apartment Design Guide. At least 50% of the storage required shall be provided within the apartment.
- e. Details of the entryway to each of the buildings shall be submitted to the principal certifier prior to the issue of a construction certificate that shows each entry is architecturally treated. Architectural treatments shall be selected from the approved schedule of colours and finishes and shall contrast the main façade of the buildings.
- f. The plans shall make provision for the removal of the existing chain wire boundary fence. Replacement fencing shall be consistent with the existing fencing for 30 William Holmes Street Potts Hill, along the Graf Avenue frontage.
- g. The Operational Plan of Management shall be amended to include the following:
 - i. Details of any on-site security.
 - ii. A Complaint and Noise policy.
 - iii. Details of staffing hours.
 - iv. Requirements for the on-site recreation facilities to be staffed during opening hours;
 - v. How access for visitors will be managed including to the car park, residential unit blocks and facilities
 - vi. How access will be managed for staff such as hairdressers and beauty therapists.
 - vii. How access to ancillary uses on site e.g. retail and medical centre will remain private for the seniors living development and not accessible to the public.
- h. The Construction Certificate plans shall include the provision of gas (if gas can be provided to the development) and water outlets on all balconies and terraces.
- i. The Construction Certificate plans shall ensure that the air-conditioning units and clothes drying facilities on all balconies are screened from view and not located on the ground, reducing the amount of balcony space provided.

- 1.3. Treatment to glass panels and balconies may only be in the form of darkened tinting. Reflective tint is not permitted.
- 1.4. The lobby/lounge area of Building E is approved as an open structure only. The horizontal blades shall be fixed and not able to be closed/opened and no no glass, screening or the like shall provide protection from the elements to this area. The naturally ventilated skylight at the top of the feature may have the ability to be open/closed weather depending.
- 1.5. The walkways between Building A and Building F are approved as open breezeways only. Horizontal blades shall be fixed and not able to be closed/shut and no glass, screening or the like shall provide protection from the elements to this area. Areas without horizontal blades shall only be enclosed via a balustrade.
- 1.6. The nominated uses of the individual commercial tenancies are approved under this determination notice. However, no approval is granted or implied for the fit out, hours of operation or other operational aspects of the ancillary commercial tenancies. Separate Development Consent for the fit out and operation of the commercial floor space is required prior to occupation of that space.
- 1.7. Any food premises used for the handling of food for sale, must be designed, constructed and operated in accordance with the requirements of:
 - a. The *NSW Food Act 2003* and *Food Regulation 2015*;
 - b. Australia New Zealand Food Standards Code;
 - c. AS 1668.2-2012, 'The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings', and
 - d. AS 4674-2004, 'Design, construction and fit-out of food premises'.
- 1.8. Separate approval is required for any heat shield and/or associated fire assembly structures/facilities not shown on the approved plans.
- 1.9. In the unforeseen event that an additional substation is required, the size and location of the substation is to be submitted for approval to Council and Ausgrid, prior to the issue of any Construction Certificate or the commencement of use, whichever is earlier. A substation has not been approved and if required details must be submitted to Council.

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier an area of land within the site or building to enable an electricity substation to be installed.

- 1.10. Any fire assemblies / facilities required to be on a frontage of a building must be integrated into the building design and screened from public view within cabinets and integrated into the built form using finishes and materials from the approved colours and finishes schedule. Fire assemblies / facilities must not be located in the public domain or in landscaped areas. Separate approval is required for any fire assemblies / facilities required to be located along the street frontage of the development that have not been

noted on approved architectural plans are to be submitted to Council in a S4.55 Modification Application for consideration.

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

2.1. Separate construction certificates shall be obtained for:

- a. Remediation of the site and the excavation of the basement; and
- b. the construction of all other works on the site (excluding excavation of the basement).

The conditions below apply to the issue of both construction certificates, unless otherwise specified.

2.2. Development Contributions of \$1,485,059.00 must be paid for this development before the issue of any construction certificate. The contributions are levied under Bankstown Development Contributions Plan 2019 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:

Public domain facilities	\$247,880.00
Roads and Traffic	\$179,189.00
Community Facilities	\$110,627.00
Plan administration	\$13,347.00
Open Space	\$934,016.00

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.

2.3. 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.

2.4. Prior to the issue of a Construction Certificate for the construction of all other works on the site (excluding excavation of the basement) the site is to be remediated in accordance with:

- a. The approved Remedial Action Plan, prepared by Consulting Earth Scientists Pty Ltd dated 18 July 2018, reference number CES170303-SD-AE;
- 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 Accredited Site Auditor Kylie Lloyd, Zoic Environmental Pty Ltd dated 27 August 2018, site audit statement number KJL196 SctB.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council in writing and the Principal Certifying Authority.

Any variation to the Remediation Action Plan must be submitted to and approved by the Accredited Site Auditor and communicated to Council in writing before substantially commenced, to determine if any proposed variation will require re-assessment under the relevant provisions of the Environmental Planning and Assessment Act 1979.

2.5. Prior to issue of a Construction Certificate for the construction of all other works on the site (excluding excavation of the basement) a Validation Report must be submitted to Council and the Principal Certifying Authority. The Validation Report must be prepared in accordance with:

- a. 'State Environmental Planning Guideline (SEPP) 55 – Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
- b. Relevant EPA Guidelines, noting in particular the 'Guidelines for Consultants Reporting of Contaminated Sites' (NSW Office of Environment and Heritage, 2011); and
- c. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan, prepared by Consulting Earth Scientists Pty Ltd dated 17 August 2018, reference number CES170303-SD-AE and the conditions within the Site Audit Statement prepared by the Accredited Site Auditor Kylie Lloyd, Zoic Environmental Pty Ltd dated 27 August 2018, site audit statement number KJL196 SctB.

The Validation Report must be audited by an NSW EPA Accredited Site Auditor and be submitted to Council prior to the issue of an Occupation Certificate.

- 2.6. Where the Validation Report identifies the need for the implementation of an ongoing environmental management plan, the plan must be submitted to Council and the Principal Certifying Authority. The ongoing environmental management plan must be prepared in accordance with:

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

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

The ongoing environmental management plan must be submitted to, and approved by, Council prior to the issue of an Occupation Certificate.

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

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

- 2.7. A Professional Engineer (as defined in Volume One of the National Construction Code) must:

- a. Prior to the issue of a Construction Certificate, specify filtration and odour control systems as part of the proposed mechanical ventilation design and drawings (including specifications of the proposed mechanical kitchen exhaust ventilation system) to ensure that exhaust air can be discharged to the atmosphere in accordance with AS 1668.2 – ‘The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings’, and will not cause a danger or a nuisance to occupants within the building, occupants of neighbouring buildings or members of the public;
- b. Certify the design in accordance with the Building Code of Australia and AS1668 - The Use of Mechanical Ventilation and Air Conditioning in Buildings;
- c. Prior to the issue of an Occupation Certificate inspect the mechanical ventilation and filtration/odour control systems and certify that the system/s have been installed to the approved design; and
- d. Certify the satisfactory performance of the installed system/s.

- 2.8. A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate for the erection of buildings on site, and shall generally be in accordance with the concept landscape plans prepared by TaylorBrammer, approved in Condition 1.1 of this determination notice. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The landscape plan shall be amended to include notations of all relevant landscaping, tree removal and tree protection conditions of this notice and incorporate the following:

- a. The trees shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use
 - b. The trees shall be planted no closer than 3.5metres from the wall of any approved dwelling on the property.
 - c. The trees shall be planted so that future growth is not in conflict with overhead electricity wires.
 - d. The trees shall be maintained for the life of the development.
- 2.9. Approval in accordance with Council's Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.
- 2.10. 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.

2.11. 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

2.12. 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.

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

Refer to www.sydneywater.com.au/tapin 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.

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

2.15. 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>.

2.16. 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. All the heavy duty VFCs of the prescribed width as per the approved architectural plans.
- b. Drainage connection through an on site detention system and then to Council's system.
- c. Concrete footway paving along the sites entire frontage to Nelson Short Street, and the frontage to Graf Avenue from the northernmost pedestrian link to the intersection with Brunner Road.
- 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 development works.
- 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: 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 Construction Certificate.

2.17. Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.

2.18. 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.

2.19. 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.

- 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.
- 2.20. 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.
- 2.21. The layout of the proposed car parking areas associated with the subject development including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions should be in accordance with the Australian Standard AS 2890 parking series.
- 2.22. 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 Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 2.23. The Developer must engage a suitably Qualified Traffic Engineering Consultant to certify the design of the car parking layout and line marking complies with the Relevant Sections of AS 2890.1, AS 2890.2 and AS 2890.6 prior to the issue of the Construction Certificate for the development
- 2.24. A Construction Certificate for the construction of all other works on the site (excluding excavation of the basement) shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.

- 2.25. 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.
- 2.26. No permanent or temporary anchors are to be installed on adjoining properties without the approval of the adjoining land owners.
- 2.27. If any neighbouring properties or roadway are to be utilised for support, the legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owner must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged to Canterbury Bankstown Council prior to the issue of a Construction Certificate.

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

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

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

- 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.
- 2.28. The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.

The location of the air-conditioning and hot water units and associated infrastructure must be located to ensure that they are not visible from the street, and that they do not result in a non-compliance with the relevant built form controls and private open space controls contained within the Apartment Design Guide. Confirmation from a suitably qualified architect that the BASIX commitments do not compromise the design guidance as contained within the Apartment Design Guide must be provided prior to works commencing.

- 2.29. Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 17-457 Issue - C, dated 27/08/2021, prepared by at&I.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 2.30. For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan 17-457 Issue - C, dated 27/08/2021, prepared by at&I, and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall amend the design to ensure that the layout of the stormwater plans is based on the layout for the DA approved Architectural Plans. The Engineer must include any and all necessary Subsoil drainage pipes and pump-out drainage systems required to alleviate seepage into the basement. The subsoil drainage must be connected to the OSD tanks. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.

- 2.31. The 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 any Construction Certificate.

- 2.32. 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.

- 2.33. Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water. Details

must be submitted with the application for a construction certificate and be approved by the Principal Certifier prior to the issue of a construction certificate.

- 2.34. Any public swimming pool and/or spa pool must be designed, installed and operated in accordance with the:
- a. *Public Health Act 2010*;
 - b. *Public Health Regulation 2012*;
 - c. 'Public Swimming Pool and Spa Pool Advisory Document' (NSW Health, 2013); and
 - d. *Local Government Act 1993*.

Prior to the issue of an Occupation Certificate, a pre-occupation public health inspection is to be undertaken by Council's Environmental Health Officer.

Prior to the issue of any Occupation Certificate, a Public Swimming Pool and Spa Registration Form must be completed and submitted to Council. This form is available online at www.cbcity.nsw.gov.au.

- 2.35. A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which certifies that the bin storage area has been designed to be constructed in accordance with Council's Waste Management Guide for New Developments including but not limited to the following requirements:
- a. Floors are to be constructed of concrete at least 75mm thick, graded and drained to a Sydney Water approved drainage fitting and finished in a non-slip, smooth and even surface;
 - b. The area is to be integrated within the building, with a minimum unobstructed room height of 2.1 metres in accordance with the Building Code of Australia;
 - c. Walls are to be constructed of solid impervious material;
 - d. The ceiling is to be finished with a smooth faced non-absorbent material capable of being cleaned;
 - e. The walls, ceiling and floors are to be finished in a light colour;
 - f. The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock;
 - g. The area is to be constructed with a self-closing door openable from the inside;
 - h. The area is to be constructed to prevent the entry of birds and vermin;
 - i. The area is to be provided with adequate light and ventilation with the light source able to be controlled through light switches located from both the outside and inside;
 - j. All doorways are to be a minimum 2 metres wide;
 - k. The area is designed to store and allow for the convenient manoeuvring of the required allocation of bins.

- 2.36. 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 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.

- 2.37. 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.

- 2.38. 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 developer 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:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

2.39. The construction certificate plans shall include the provision of a CCTV security camera system throughout the development. The construction certificate plans shall ensure that cameras are located in areas of the development such as building entrances, basement, letter boxes, lobby's etc.

2.40. No additional building services, infrastructure or the like shall be placed on the roof of the development, or shall be visible from the public domain. All

services shall be located within the basement, other than the substation and hydrant booster, which must be located as noted on the approved plans. If the service provisions on the approved plans are found to be insufficient for the development, a modification application shall be lodged.

- 2.41. Prior to the issue of a construction certificate, a lighting plan shall be prepared and submitted to the principal certifier. All building entrances, communal open spaces, basement storage, common circulation areas and galleries shall be well lit.
- 2.42. Access control for the basement must include the provision of a roller door (or similar) security access system.
- 2.43. Access into the residential lobby shall be via key/swipe card and/or intercom for visitors.
- 2.44. Sight distance triangles for pedestrian safety must be provided within the site boundary as shown on Figure 3.3 from AS2890.1:2004. No fencing adjoining the driveways higher than 1m is permitted. The Construction Certificate plans must demonstrate compliance with the above.
- 2.45. All substation, hydrants, boosters and other services must be contained within cabinets in the built form. Separate approval is required for any services outside of the built form and not authorised through this Development Consent.
- 2.46. The deep soil areas must be retained as deep soil and landscaping for the lifetime of the development. No encroachments for services or any structure is permitted within these areas.
- 2.47. Access to all communal and public areas of the development, including communal open spaces, are to be designed and constructed in accordance with the requirements of Disability (*Access to Premises — Buildings*) Standards 2010.
- 2.48. The plans must demonstrate that the proposal meets the requirement that Universal Design Principles are utilised in 20% of the apartments within the development. All Construction Certificate documentation must demonstrate compliance with this requirement.
- 2.49. All stormwater downpipes shall be concealed within the built form and must not be visible on the external of the building. Construction certificate plans shall detail the location of all downpipes and ensure that they are not externally affixed to buildings.
- 2.50. Provision shall be made for a minimum one (1) car wash bay on each level of the basement for the self-contained dwellings. The car wash bays shall be designed in accordance with the BDCP 2015 – Part B5 and the Bankstown Development Engineering Standards.

3. Conditions to be Satisfied Before Construction.

- 3.1. Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the north of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
- 3.2. 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.
- 3.3. 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.

- 3.4. 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.

- 3.5. 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.
- 3.6. 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).
- 3.7. 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.
- 3.8. 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.
- 3.9. 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.

- 3.10. 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.

- 3.11. 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.

- 3.12. The following street tree shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location
14 (approx.) x <i>Tristaniopsis laurina</i> (Watergum)	Nature strip forward of the property line

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- The area of Council's nature strip – excluding a 1200 mm wide pedestrian access corridor along the front boundary of the property - shall be fenced off for a distance of 2.5 metres radius measured from the

trunk of the tree prior to the commencement of demolition. The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works.

- The applicant will display in a prominent location on the fencing of each tree protection zone a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - The Development Consent number;
 - The name and contact phone number of the consultant arborist / site manager (nominate whoever is applicable);
 - The purpose of the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced off Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, waste material and similar shall not be located within the fenced off Tree Protection Zone.
- Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.

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. Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
- 4.3. 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. An identification report by a registered surveyor must be submitted to the principal certifier prior to the ground floor slab being poured to verify the buildings wall setback and floor level conform to the approved plans.

- 4.6. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown 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.
- 4.7. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 4.8. 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.
- 4.9. 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. Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an Occupation Certificate. All imported fill must be compatible with the existing soil characteristics of the site.
- 4.10. All soils and material(s), 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, in particular 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(s) 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.

4.11. 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.

4.12. The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards 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.

4.13. The wastewater from any car wash bay shall be collected and disposed of, in accordance with the requirements contained in Council's Development Engineering Standards.

4.14. 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.

4.15. 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.

4.16. The swimming pool is to be enclosed by a child resistant barrier comprising fences and gates designed, constructed, installed and maintained in accordance with Australian Standard 1926-2012 - Swimming Pool Safety Part 1: Safety barriers for swimming pools.

A notice containing the words "Young Children Should be Supervised When Using this Swimming Pool" and "Pool Gates Must Be Kept Closed At All Times" and "Keep Articles, Objects and Structures At Least 900 Millimetres

Clear Of The Pool Fence At All Times" together with a simple flow sequence containing details of resuscitation techniques must be displayed in a prominent position in the immediate vicinity of the pool.

Overflow and discharge pipes from the pool and filtration unit must be connected to the sewer.

- 4.17. The proposed use of the pool / spa filter equipment must not give rise to offensive noise as defined in the *Protection of the Environment Operations Act 1997* and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.
- 4.18. Requirements of the approved Waste Management Plan (WMP) must be complied with during all site preparation works, demolition and throughout all construction works.

When implementing the WMP the developer is to ensure:

- a. The disposal of any demolition and construction waste is undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*;
- b. All waste on site is stored, handled and disposed of in a manner so as not to 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 Work 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 regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and the description of such waste are to be kept on site as evidence of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle registration and confirmation of the waste disposal facility. Records are also to be kept of the persons 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/stockpiling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
- 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

4.19. Any grease trap, if required by Sydney Water must be installed in accordance with Sydney Water requirements and:

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

4.20. Bulk earthworks or truck/transport movements must not occur from Graf Avenue without the prior written consent of Canterbury Bankstown Council.

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

5.4. The swimming pool / spa shall not be used until Council or the PCA has issued a final Compliance Certificate.

5.5. 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.

5.6. A minimum of 216 off street car spaces being provided in accordance with the submitted plans.
This shall comprise:

- 151 residential spaces
- 10 residential car facility staff/visitor spaces
- 55 business / commercial spaces

Twelve (12) 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.

- 5.7. Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate.

For planting in Council's nature strip, investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new planting, the applicant is to:

- a. Carry out engineering works to protect those services from damage; or
- b. Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
- c. Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The street trees shall be planted to the satisfaction of Council's Tree Management Officer. The Applicant shall contact Council's Tree Management Officer to arrange for a site inspection of the completed tree planting prior to the issue of an occupation certificate.

The landscaping shall be maintained for the life of the development.

- 5.8. 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, including but not limited to the relevant sections of AS 2890.1, AS 2890.2 and AS 2890.6. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 5.9. Any lighting of the premises must be installed in accordance with AS 4282-1997, 'Control of the obtrusive effects of outdoor lighting', so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 5.10. The premises 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.

5.11. 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.

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

5.13. 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 detention 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 detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

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

5.14. The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. 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. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.

5.15. The developer shall register on the title of the subject property a Restriction on the Use of Land, in accordance with the appropriate provisions of the Conveyancing Act, 1919, in the following terms:

"Accommodation on the subject site may only be provided for the following persons:

- a. seniors or people who have a disability,*
- b. people who live within the same household with seniors or people who have a disability,*

- c. *staff employed to assist in the administration of and provision of services to housing provided under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

Seniors are defined as any of the following:

- a. *people aged 55 or more years,*
- b. *people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
- c. *people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*

People with a disability are defined as people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life."

Canterbury-Bankstown Council shall be the only authority empowered to release, vary or modify the Restriction.

The developer shall submit to Council evidence of the final registration of the Restriction on the title of the property, prior to the issue of an occupation certificate.

- 5.16. All waste and recycling collection services must be provided by a private contractor.

Prior to the issue of any Occupation Certificate, the applicant is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the site. Waste must be collected from the site at minimum twice per week.

Prior to entering into an agreement for a private commercial waste collection service, the applicant is to ensure that:

- The service is functional and meets the operational needs of the development; and
- The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of the site for users and the public.

A copy of the contract is to be provided to Council prior to the issue of any Occupation Certificate.

- 5.17. The Principal Certifying Authority shall obtain an acoustic validation report from an appropriately qualified acoustic consultant, stating that the recommendations outlined in section 6.3 of the acoustic report prepared by Acoustic Logic Pty Ltd, titled '10 Nelson Short Street, Potts Hill, DA Acoustic Service' dated 22 January 2021 have been implemented and that relevant noise criteria has been satisfied, prior to the issue of any Occupation

Certificate. A copy of the acoustic validation report shall be provided to Council prior to the issue of any Occupation Certificate.

- 5.18. Prior to the issue of an Occupation Certificate, a pre-occupation public health inspection is to be undertaken by Council's Environmental Health Officer.

Prior to the issue of any Occupation Certificate, a Public Swimming Pool and Spa Registration Form must be completed and submitted to Council. This form is available online at www.cbccity.nsw.gov.au.

- 5.19. Prior to the issue of an Occupation Certificate, the Principal Certifier shall ensure that the lobby/lounge area of Building E is constructed as an open structure only. The horizontal blades shall be fixed and not able to be closed/shut and no glass, screening or the like shall provide protection from the elements to this area. The naturally ventilated skylight at the top of the feature may have the ability to be open/closed weather depending.

- 5.20. Prior to the issue of an Occupation Certificate, the Principal Certifier shall ensure that the walkways between Building A and Building F are constructed as open breezeways only. Horizontal blades shall be fixed and not able to be closed/shut and no glass, screening or the like shall provide protection from the elements to this area. Areas without horizontal blades shall only be enclosed via a balustrade.

6. Ongoing Conditions of Use

- 6.1. The relevant parts of the premises shall be used and operated at all times as either as a residential care facility or as self-contained dwellings, in accordance with the definitions of such contained in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

- 6.2. Accommodation on the subject site may only be provided for the following persons:

- a. seniors or people who have a disability,
- b. people who live within the same household with seniors or people who have a disability,
- c. staff employed to assist in the administration of and provision of services to housing provided under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Seniors are defined as any of the following:

- a. people aged 55 or more years,
- b. people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,

- c. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

People with a disability are defined as people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

- 6.3. The operation of the premises shall be in accordance with the Operation Plan of Management referenced in Condition 1.1 of this notice. In the event aspects of the Plan of Management cannot be complied with, a modification application shall be lodged with Canterbury Bankstown Council for consideration.
- 6.4. To ensure that waste water is treated in an acceptable manner, a designated car wash bay must be provided and designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water.
- 6.5. The café, neighbourhood shop, swimming pool, gymnasium, karaoke room, medical centre and other on-site facilities are approved as ancillary uses to the Seniors Living Development. Use of these facilities are for individuals directly associated with the Seniors Living Development (residents, staff, visitors of residents).
- 6.6. The approved Waste Management Plan (prepared by Elephants Foot, August 2021) is to be implemented throughout the ongoing use of the development.
- 6.7. The development must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection and be made available if requested by a Council Officer.
- 6.8. The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development.
- 6.9. Should a noise issue (relating to the development) not previously identified arise (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 noise issue. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
- 6.10. The operation of the premises must comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and the Noise Policy for Industry (2017) and shall not give rise to “offensive noise” as defined

under the provisions of the *Protection of the Environment Operations Act 1997*.

- 6.11. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 6.12. Any food premises used for the handling of food for sale, must be designed, constructed and operated in accordance with the requirements of:
 - a. The *NSW Food Act 2003* and *Food Regulation 2015*;
 - b. Australia New Zealand Food Standards Code;
 - c. AS 1668.2-2012, 'The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings', and
 - d. AS 4674-2004, 'Design, construction and fit-out of food premises'.
- 6.13. 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.
- 6.14. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.
- 6.15. A separate waste bin is to be provided for the disposal of clinical and sharps waste. Containers used for the disposal of sharps must comply with AS 4261-1992, 'Reusable container for the collection of sharp items used in human and animal medical applications', or AS 4031-1992, 'Non-reusable containers for the collection of sharp medical items used in health care areas'.
- 6.16. Clinical and sharps waste must be collected and disposed of by an authorised waste removal contractor in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. Receipts for clinical and sharps waste disposal must be kept on site for five (5) years and presented to Council on request.
- 6.17. No skin penetration procedures, as defined in the *Public Health Act 2010* are permitted at the premises. Under the *Public Health Act 2010*, a skin penetration procedure is defined as: 'any procedure (whether medical or not) that involves skin penetration (such as acupuncture, tattooing, ear piercing or hair removal) or the penetration of a mucous membrane, and includes any procedure declared by the regulations to be a skin penetration procedure'.

- 6.18. Any regulated system installed on the premises, must be installed, operated and maintained in accordance with the prescribed requirements in the Public Health Act 2010 and Public Health Regulation 2012. The regulated system must be registered with Council. A registration form is available on Council's website which must be completed and submitted to Council prior to operation.
- 6.19. No mobile food vending vehicles or temporary food premises are permitted to operate at the premises without prior written consent from Council.
- 6.20. CCTV footage shall be stored for a minimum of 31 days and be made available to police upon request.
- 6.21. The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 6.22. All storage areas are to be clearly identifiable and secured. Any storage areas in alcoves need to be well lit and mirrors to be erected to assist with unclear sightlines.
- 6.23. CCTV is to be installed to the basement levels and to the entries in proximity to the letter boxes for the development.
- 6.24. All letter boxes are to have non-master key locks, to prevent mail theft and fraud.