

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-503/2018

Development: Demolition of existing structures and construction of an 8 Storey Shop Top Development comprising 61 Residential Apartments, restaurants and a commercial tenancy above four levels of basement parking.

This application is an Integrated Development and requires approval from Water NSW under the Water Management Act 2000.

This application, having a Capital Investment Value greater than \$30m, will be determined by the Sydney South Planning Panel on behalf of Council.

Site: 41 Broadarrow Road, Narwee

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

Date of determination: 27 May 2022

Date from which consent takes effect: Date of Determination.

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 [insert details].

The conditions of consent are as follows:

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Schedule 1	Conditions
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DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1. The Applicant shall prepare and provide to Sydney Trains for review, comment and written endorsement the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

1. Updated Geotechnical Report based on intrusive boreholes, minimum of 2 boreholes on north boundary or sufficient to inform ground model;
2. Model ground movement assessment report based on representative borehole data, proposed retention system and excavation and construction sequence;
3. Updated Structural report/drawings including Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor;
4. Confirmation that the movement at the top of the shoring wall under permanent and temporary cases so as to demonstrate the proposed construction will not adversely affect rail operations and rail asset;
5. Confirmation that the shoring system design will support the surcharge loading from railway tracks;
6. Confirmation that the level difference between community space to the rail track is less than 2 metres. Otherwise, provide evidence of collision protection to the structure in this area to comply with AS5100.2; and
7. A ground movement monitoring plan.

Any conditions issued as part of Sydney Trains' endorsement of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

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

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 Name	Plan No.	Date	Rev.	Prepared By
Demolition Plan	DA-020	31/03/22	6	Jackson Teece
Site Plan	DA-030	31/03/22	6	Jackson Teece
Floor Plan- Basement 4	DA-106	31/03/22	6	Jackson Teece
Floor Plan- Basement 3	DA-107	31/03/22	6	Jackson Teece
Floor Plan- Basement 2	DA-108	31/03/22	6	Jackson Teece
Floor Plan- Basement 1	DA-109	31/03/22	6	Jackson Teece
Floor Plan- Ground Floor	DA-110	31/03/22	6	Jackson Teece
Floor Plan- Level 1	DA-111	31/03/22	6	Jackson Teece
Floor Plan- Level 2	DA-112	31/03/22	6	Jackson Teece
Floor Plan- Level 3	DA-113	31/03/22	6	Jackson Teece
Floor Plan- Level 4-6	DA-114	31/03/22	6	Jackson Teece
Floor Plan- Level 7	DA-115	31/03/22	6	Jackson Teece
Roof Plan	DA-121	31/03/22	6	Jackson Teece
Streetscape Elevations	DA-200	31/03/22	6	Jackson Teece
Elevations- 01	DA-201	31/03/22	6	Jackson Teece
Elevations- 02	DA-202	31/03/22	6	Jackson Teece
Elevations- 03	DA-203	31/03/22	6	Jackson Teece
Elevations- 04	DA-204	31/03/22	6	Jackson Teece
Sections- 01	DA-300	31/03/22	6	Jackson Teece
Sections - 02	DA-301	31/03/22	6	Jackson Teece
Sections - 03	DA-302	31/03/22	6	Jackson Teece
Sections - 04	DA-303	31/03/22	6	Jackson Teece
Building Height Plane	DA-400	31/03/22	6	Jackson Teece
Adaptable Apartment Layout	DA-501	31/03/22	6	Jackson Teece

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

- 1.2. The maximum overall building height is not to exceed RL 64.101, as per the approved plans.
- 1.3. The decommission and removal of the underground petroleum storage system must be supervised by a duly qualified person, and undertaken in accordance with, but not limited to:
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019;*

- ii. AS 4976-2008, 'The removal and disposal of underground petroleum storage tanks'; and
- iii. UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS (NSW EPA, 2010)

A validation report must be prepared by a duly qualified person in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. The validation report must be provided to Council no later than 60 days after the underground petroleum storage system removal.

- 1.4. The acoustic report submitted in support of this application prepared by Wood & Grieve Engineers, titled, *41 Broadarrow Road, Narwee, Acoustic Report*, project number 39973, dated 12 November 2018 and all the recommendations stated within the report, form part of the development consent.
- 1.5. The Traffic and Parking Letter prepared by Traffic & Safety Solutions Pty, Ltd, dated 22 March 2022 and all its recommendations stated within the report, form part of this consent.
- 1.6. The BCA Assessment Report, prepared by Steve Watson & Partners, dated November 2019 and all its recommendations stated within the report, form part of this consent.
- 1.7. 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 amenity of the area.
- 1.8. Any required fire hydrants, boosters and other services must be contained within cabinets using materials and colours from the approved external finishes and shall not impede on the approved landscaped areas.
- 1.9. The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.
- 1.10. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 days a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

- 1.11. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- 1.12. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is [central/Illawarra/west/north] and they can be contacted via email on Central_Interface@transport.nsw.gov.au.
- 1.13. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- 1.14. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 1.15. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. The Principal Certifying Authority is not to issue a Construction Certificate or final Occupation Certificate unless the drainage is in accordance with the above documentation.
- 1.16. The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.
- 1.17. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- 1.18. The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Trains expenditure involved with restoring or maintaining alternative services.
- 1.19. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
- 1.20. The waste storage room must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor

areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning. Open waste storage areas must be appropriately covered and bunded. The ground must be paved with impervious material and must be graded and drained to a wastewater disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provide

- 1.21. Any conditions issued as part of Sydney Trains' approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- 1.22. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- 1.23. If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
 - site investigations;
 - foundation, pile and anchor set out;
 - set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - foundation, pile and anchor excavation;
 - other excavation;
 - surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - other concreting; or
 - any other event that Sydney Trains has notified to the Applicant.
- 1.24. Ausgrid does not have any objections for the proposed development. The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.
 - a. Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
 - b. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network

Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

- c. It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
- d. "Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
- e. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

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

- 2.1. Development Contributions of \$810,358.48 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	\$73,297.82
Plan administration	\$20,619.71
Open Space	\$716,440.95

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, prior to issue of construction certificate or 3 months prior to the commence of landscape works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council prior to issue of any construction certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date, and

2.3. [Not used]

2.4. 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.

2.5. 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. Public domain works including construction of new driveways, removal of redundant driveways.
- b. New paving for footpath fronting the site on Hurst place and Broadarrow Road. Paving design and details to be approved by council.
- c. Kerb ramps at the intersection of Broadarrow Road and Hurst Place.
- d. Relocation of existing taxi benches.
- e. Trunk stormwater pipes and pit to service the development on Broadarrow Road.
- f. Repair of any damage to the public road including the footway occurring during building works, and
- g. 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.

The applicant shall prepare a civil public domain plan prepared by suitably qualified engineer, for council approval. The plan shall detail design levels, product specifications and Council standard construction details relevant to the works.

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. 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.

2.13. 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.

2.14. 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.

2.15. 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.

2.16. Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below. The final plan shall be certified by the an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Canterbury Development Control Plan 2012 Part B5, the BASIX Certificate and the relevant Australian Standards.

Drawing number	Revision	Date	Prepared By
CL-000-01	Rev A	25.10.2018	WOOD & GRIEVE ENGINEERS
CI-520-01	Rev B	06.11.2018	WOOD & GRIEVE ENGINEERS
CI-520-02	Rev B	06.11.2018	WOOD & GRIEVE ENGINEERS
CI-526-01	Rev B	06.11.2018	WOOD & GRIEVE ENGINEERS

The above mentioned plans shall be amended to demonstrate the following:

- A minimum 300mm freeboard from top of water level to the proposed commercial and internal corridor areas.
- A safe overflow from the OSD tank that would not impede commercial and communal areas within the site.
- A minimum 75% of the total site area must be directed to the OSD storage system
- A basement pump shall be included in the design to manage seepage and excess runoff that may access the basement.

- 2.17. 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).
- 2.18. The building façade located at the boundary shall have an upturn (concrete or Masonry) excluding doors and access ways with a minimum height of 0.2m. This is to enable future upgrades for footpath levels and the likes
- 2.19. 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.
- 2.20. 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 Certifier for approval prior to the issue of a construction certificate.
- 2.21. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- 2.22. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- 2.23. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- 2.24. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the

satisfaction of Sydney Trains (e.g. awning windows, louvres, enclosed balconies, window restrictors, etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 2.25. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 2.26. No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 2.27. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 2.28. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - Machinery to be used during excavation/construction.
 - Demolition, excavation and construction methodology and staging
 - Methodology for vibration and noise control during construction demonstrating no adverse impact on rail operations or assets
 - Confirmation that electro-magnetic interference to railway signalling and telecommunication systems will not be introduced.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- 2.29. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until

written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

- 2.30. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 2.31. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 2.32. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- 2.33. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains' External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains' External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
- 2.34. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains' External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

- 2.35. 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) should 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 maximum grade of the driveway/ramp shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels.

The intersection of ramps with parking aisles and other intersection areas have been designed for use by one vehicle at a time. Appropriate traffic management measures, including redesign if needed, is required to prioritise one-way traffic movement at these intersection areas. The design shall be completed and certified by a suitably qualified professional engineer.

- 2.36. The Applicant is required to submit to Council the manufacturer's specifications, design and operation of the 'traffic signal' facility to be installed along the access driveway to the loading / unloading area for commercial / retail tenancy and shall be illustrated on the plan to be submitted with the construction certificate application. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an existing vehicle is detected upon the ramp or driveway. The Applicant / Owner shall be responsible for the installation, operation and maintenance of the 'traffic signal' facility at no cost to Council.

- 2.37. The combined entry and exit driveway to the to the loading / unloading area for commercial / retail tenancy is to have a minimum clearance of 2 metres from the side boundary to comply with the Canterbury Bankstown Council's Vehicular Footway Crossings (VFC) Policy and Standard Location for VFCs and Property Drainage (Dwg S-004 dated 20/10/2020). This shall be illustrated on plans submitted with the construction certificate.

- 2.38. Sight triangles are to be marked on Ground floor plan (Dwg No. DA-110 Issue 6 dated 21/03/2022) and to be provided on the exit side of the driveway to the basement level and on both sides of the access driveway to the commercial / retail loading and unloading area, in accordance with *AS 2890.1:2004 Figure 3.3 – Minimum Sight Lines for Pedestrian Safety*. A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any permanent obstacles. This shall be illustrated on plans submitted with the construction certificate.

2.39. If a Works Zone is required to be installed in Hurst Place, the Applicant must apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage in Hurst Place, 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 by Council and paid for prior to issue of a Construction Certificate.

2.40. A Construction Traffic Management Plan (**CTMP**) / Site Pedestrian Traffic Management Plan (**SPTMP**) shall be required to be submitted and approved prior to the commencement of works on the site, for both demolition and construction phases of the development/project. 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.

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

The applicant shall nominate the routes for approval by Council prior to commencement of any work on the site. all vehicles are to enter the on-

street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council 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 TfNSW 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.

Advisory Note: Applicants are advised that the average waiting time for all necessary traffic and pedestrian way approvals is six months minimum and applications which are lodged prior to a construction certificate may not receive approval to commence in accord with their preferred commencement timetable. The CTMP/SPTMP is required to be approved by Council prior to the issue of any Construction Certificate (lodgement of the CTMP/SPTMP is not adequate to satisfy this condition). Applicants are encouraged to lodge their applications as soon as possible to ensure that work commencement can start in accord with their expectations

- 2.41. 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.

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

The person having benefit of this Determination Notice shall ensure that the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars and shall provide proof of the policy to Council, 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.

- 2.43. 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.
- 2.44. 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.
- 2.45. 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.
- 2.46. Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:
 - i. The approved Remedial Action Plan, prepared by EI Australia Pty Ltd, titled *Remedial Action Plan, 41 Broadarrow Road, Narwee, NSW dated 3 March 2022*, reference E25442.E06. Rev 0;
 - ii. *State Environmental Planning Policy (Resilience and Hazards) 2021*;
 - iii. The guidelines in force under the *Contamination Land Management Act 1997*; and
 - iv. The conditions within the Site Audit Statement prepared by NSW EPA Accredited Site Auditor, Kylie Lloyd, Geosyntec Consultants Pty Ltd, titled *Site Audit Report, Caltex Narwee, 41 Broadarrow Road, Narwee, NSW, 2209 dated 7 March 2022*, Report No. 21307 Final SAR KJL260-1 SctB.

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 prior to the continuing of such work.

- 2.47. Prior to issue of the Construction Certificate, the proponent must submit a validation report to Council and the principal certifying authority.

The validation report must be prepared in accordance with:

- i. *Managing Land Contamination: Planning Guidelines* (Department of Urban Affairs and Planning and NSW EPA, 1998);
- ii. Relevant EPA Guidelines, including 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 and approved by an appropriately qualified environmental consultant.

The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the report prepared by EI Australia Pty Ltd, titled *Remedial Action Plan, 41 Broadarrow Road, Narwee, NSW*, dated 3 March 2022, reference E25442.E06. Rev 0;

- 2.48. Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.

- 2.49. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

- 2.50. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans that form part of the CC for the residential basement bin storage and chute room identified on Plans Issue 5 DA-109 that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with 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. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. The room is to be integrated within the building with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
- d. Walls must be constructed of solid impervious material;
- e. 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. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- 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 2 metres wide and open outwards;
- l. Designed to a minimum area of 98m² and to fit:
 - 7x 1,100L recycling bins;
 - 8 x 1,100L garbage bins; and
 - 4x 240L garden organic bins
 - Bin lifter

2.51. The Certifier must not issue any Construction unless provided with detailed plans that form part of the CC for the bulky waste storage room identified on Plans DA-110 Issue 6 that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with 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. Floors must be finished so as to be non-slip and have 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 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
- 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 2 metres wide.
- l. Designed to a minimum size of 7m².

2.52. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans that form part of the CC for the Commercial bin storage room identified on Plans Issue 6 DA-110 that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with 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. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. The room is to be integrated within the building with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
- d. Walls must be constructed of solid impervious material;
- e. 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. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- 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 2 metres wide and open outwards;
- l. Designed to a minimum area of 29m² and to fit:
 - 8 x 1,100L bins;

2.53. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC for the residential bin holding room located on the ground floor area identified on Plans DA-110 Issue 6 that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with 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. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. The room is to be integrated within the building with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
- d. Walls must be constructed of solid impervious material;
- e. 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. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- 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 2 metres wide and open outwards;
- l. Designed to a minimum area of 72m² and to fit:
 - 7x 1,100L recycling bins;
 - 8 x 1,100L garbage bins; and
 - 4x 240L garden organic bins.
 - Have an area marked/painted on the ground for the collection location of bulky waste a minimum of 7m².
 - Fit a waste (motorised) waste carting tug/ trolley.

2.54. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC which identify that the bin carting route from the ground floor communal bin storage room identified on Plans DA-110 Issue 6 to the waste collection point on Broadarrow Rd identified on Plans DA-110 Issue 6 complies with the requirements of the Council's *"Waste Management Guide for New Developments"* including, without limiting the foregoing, compliance with the following requirements:

- a. Is direct and less than 10 metres in length,
- b. Has a minimum width of 2m of hard surface;
- c. Is of non-slip material and free from obstacles and steps;
- d. Is not located within a driveway or car park;
- e. Has a maximum grade of 1:30 (3%); and
- f. Has a layback installed at the collection point.

2.55. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC that comply with the requirements of the Council's *"Waste Management Guide for New Developments"* insofar as waste chutes are concerned including, without limiting the foregoing, compliance with 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 basement 1 level waste storage room and discharge into a 2x 1100L waste bin on a linear track system.
- d. Comply with manufactures technical specifications and operational limitations.
- e. The linear and chute area are be enclosed (cage or walls) separate from the rest of the bin room. Doorways are to be of minimum 1.8m and to include space to manoeuvre the bins around the chute.

2.56. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC that comply with the requirements of the Council's *"Waste Management Guide for New*

Developments” insofar as recycling cupboards are concerned including, without limiting the foregoing, compliance with the following requirements:

- a. Maximum distance of 30m from all dwellings;
- b. Access is to be in accordance with AS 1428 (Set) - 2003: Design for access and mobility;
- c. Located within the room with the chute hopper and contain only recycling bins;
- d. Must be of adequate size to accommodate minimum two recycling bins, which allows for three days of recycling generated by the number of dwellings on that floor;
- e. Designed to fit 2x 240L bins facing forward;
- f. Designed so the doors are of sufficient width to allow the transfer/rotation of 240L bins; and
- g. The floor is to be constructed of a durable and impervious material with a smooth finish

2.57. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC for the Commercial bin holding room located on the ground floor area identified on Plans DA-110 Issue 6 that comply with the requirements of the Council’s *“Waste Management Guide for New Developments”* including, without limiting the foregoing, compliance with the following requirements:

- a. detailed plans showing that the waste storage rooms identified on Plan DA-110 Issues 6 will be capable of being accessed from Hurst Place by a Small Rigid Vehicle (SRV) in accordance with AS2890.2-2004. and that a loading area is available for the vehicle when collecting waste that meets the following requirements:
 - Within 5 metres of the all waste storage rooms or temporary holding area;
 - A separate parking area for the collection vehicle;
 - and
 - Include an extra 2m at the rear of the vehicle loading area.
- b. A certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements:
 - Small Rigid Vehicle can enter and exit the site in a forward position;
 - 15 tonne waste collection vehicles;
 - Turning circle of 7.1 metres;
 - Length of 8.4 metres (truck + 2m for loading);
 - Clearance height of 3.5 metres with no obstructions
 - Waste collection vehicle can access the loading dock adequately manoeuvre into position, load bins and exit the loading dock in a forward position;
 - The collection vehicle must be able to manoeuvre in the loading dock with limited need for reversing;

- The loading dock has been designed to carry the 15tonne waste collection vehicle; and
- The gradient is to be suitable for a Small Rigid Vehicle as per AS2890.2-2004.
- Be free of overhead obstructions and no intrusion such as plumbing, ventilation, lighting or signage along the travel path of the SRV on site.

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. Prior to the execution of works associated with the built form of the development (excluding 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. Any conditions in the Site Audit Statement must form part of development consent.
- 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. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 3.10. Prior to the commencement of works, the applicant is to prepare and provide to Sydney Trains for review and endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed by Sydney Trains.
- 3.11. The Applicant/Developer must give Sydney Trains written notice at least 5 business days before, and on the day of, commencing works which occur adjacent to the rail corridor.
- 3.12. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- 3.13. 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.

- 3.14. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work 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.

3.15. The requirements of the approved WMP shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

- 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;
- g. 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
- h. 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. 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. Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- 4.5. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
- 4.6. 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.
- 4.7. 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.
- 4.8. 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.
- 4.10. 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.
- 4.11. All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 4.12. 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.
- 4.13. 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.
- 4.14. 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.

- 4.15. 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.
- 4.16. In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

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

- 4.17. All soil 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 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.

- 4.18. 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.

- 4.19. All excavations must be kept free from the accumulation of water. Prior approval must be sought from Council to discharge any water into Council's stormwater drainage system. Other options for the disposal of water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

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. One-hundred (100) off street car spaces being provided in accordance with the submitted plans.

This shall comprise:

- Sixty-seven (67) x residential spaces
- Ten (10) x residential visitor spaces
- Twenty-three (23) x business / commercial spaces
- One (1) Loading/unloading space on the ground floor
- Nine (9) x accessible spaces

Nine (9) 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.

The 'turning bay' on basement level 2 must be clearly line marked and signposted as a 'turning bay only, no parking' at all times and for the longevity of the development.

- 5.5. 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.

- 5.6. 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.
- 5.7. Before the issue of the relevant occupation certificate, the person having the benefit of this Determination Notice must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming compliance with Canterbury Development Control Plan 2012 Part B5.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

- 5.8. 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.

- 5.9. 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.
- 5.10. 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.
- 5.11. 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 report prepared by a suitably qualified acoustic consultant must be submitted to Council certifying that the development complies with the requirements of (as relevant):

- i. *State Environmental Planning Policy (Transport and Infrastructure) 2021*; and
- ii. Recommendations of the report prepared by Wood & Grieve Engineers, titled, *41 Broadarrow Road, Narwee, Acoustic Report*, project number 39973, dated 12 November 2018.

The report must include post-construction validation test results.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the principal certifying authority and Council, prior to the issue of any Occupation Certificate.

5.13. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of the State Environmental Planning Policy (Infrastructure) 2007 and is consistent with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

5.14. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

5.15. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 5.16. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.17. Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
- 5.18. Any redundant driveway along Broadarrow Road and Hurst Place fronting the development to be removed and reinstated with kerb and gutter and verge to match with remaining at the Applicant's cost.
- 5.19. The footpath along Broadarrow Road and Hurst Place fronting the development is to be constructed at the Applicant's cost.
- 5.20. No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent.
- 5.21. Prior to the issue of any Occupation Certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste.
- 5.22. The applicant is to seek approval from the appropriate authority for the installation of a "No parking on waste collection days" (or similar) sign at the kerbside collection point at the front of the development on Broadarrow Rd, Narwee.

6. On-going Use Conditions

- 6.1. The applicant must ensure that all activities within the premises comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and Regulations and the *Noise Policy for Industry* (NSW EPA, 2017).
- 6.2. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in, *Assessing Vibration: A Technical Guideline* (NSW Department of Environment and Conservation, 2006).

- 6.3. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.
- 6.4. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- 6.5. The Applicant/Developer shall not at any stage block the corridor access gate on Hurst Place, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- 6.6. 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 amenity of the area.
- 6.7. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- 6.8. All vehicles associated with the development must enter and exit the site in a forward direction.
- 6.9. The traffic signal control system is to be programmed in a default green light at the top of the ramp access driveway for SRV delivery vehicles entering the site from Hurst Place. This is to ensure that service delivery vehicles entering the site do not have to wait at the top of the ramp, and if the loading is occupied delivery vehicles must wait within the turning area adjacent to the loading Bay. SRV vehicles can only exit when green signal is displayed.
- 6.10. The requirements of the approved WMP shall be complied with at all times that the approved development is being carried out.
- 6.11. The development must be carried out in compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline".

- 6.12. Any waste facilities approved under this consent must be maintained in a proper and workmanlike state at all times and must be kept clear and accessible to Council to undertake waste collection services. The facilities must not be altered without prior Council approval.
- 6.13. All commercial uses must engage and utilise the services of a private waste collection service and must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
- 6.14. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 6.15. 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.

For further information regarding this notice **DA-503/2018** please contact Kaitlin McCaffery in Development on 9707 9060.

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.

SCHEDULE 3 - NOTES

- a. Modifications to this Determination Notice may be made in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- b. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979* or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*. Any application for a review pursuant to Section 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Determination Notice. It is therefore advisable to lodge the application for review as soon as possible to ensure that assessment is complete within the statutory timeframes. Section 8.10 in the *Environmental Planning and Assessment Act 1979* extends this six-month period to twelve months for determinations made during, or six months before, the Prescribed Period of 25 March 2020 and 25 March 2022. You should seek advice from your legal advisor on the time limits for the lodgement of any appeal.
- c. Sections 9.37 and 9.50 of the *Environmental Planning and Assessment Act 1979* confer the authority to direct any person to comply with the terms and conditions of any consent condition and any person failing to comply with such a direction shall be guilty of an offence under that Act.
- d. Failure to comply with this Determination Notice may result in a fine or prosecution by Council.
- e. If the building work is in proximity of any infrastructure (including water, stormwater, sewer mains, electricity power lines, railway lines and telecommunications facilities or the like), then the relevant infrastructure authority must be consulted before commencing the building work to gain their approval. Any impacts must be considered in the design and construction of the building work/s.
- f. Inspections of the development work must be undertaken as determined by the Principal Certifier. If Canterbury-Bankstown Council has been nominated as the Principal Certifier, then details of inspection type and number required will be provided at the time of the issue of a construction certificate.
- g. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (as is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, a Section 4.55 Amendment to this Determination Notice (or a new development application) is required.

Individuals owe asset owners a duty of care that must be observed when working near infrastructure plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

In accordance with the *Telecommunications Act 1997* (Commonwealth), Telstra (and its authorised contractors) are the only companies that are permitted to conduct work on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution.

Damage to Telstra's infrastructure may result in interruption to the provision or essential services and significant costs. If you are aware of any work or proposed work which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.
- h. This Determination Notice does not provide consent to commence building or subdivision work. A construction certificate must be obtained prior to the commencement of any building work and a Subdivision Works Certificate must be obtained prior to the commencement of any subdivision work. Council can provide certification services relating to the issue of a construction certificate or subdivision works certificate if required by the development consent. Please contact Council for a fee proposal if you require any of these certification services.