



## Notice of Determination of DA-452/2021

Issued under s4.16(1)(a) of the  
*Environmental Planning & Assessment Act*  
1979

Dear Sir/Madam,

I refer to your Development Application referenced above and advise that it has been **approved** by Canterbury Bankstown Council. The development consent is subject to the attached conditions.

All relevant documentation pertaining to this determination notice is available to access through the [NSW Planning Portal](#).

*Prior to the commencement of any building works on the site a construction certificate must be obtained. The construction certificate can be issued by Council.*

An application for a construction certificate accompanied with appropriate building work plans and specifications may be submitted to Council through the [NSW Planning Portal](#).

Please contact Council for a fee proposal if you require the assessment of a construction certificate Application and to appoint Council as a principal certifier for the building or subdivision works.

Yours faithfully,  
Canterbury Bankstown Council  
P: +61 2 9707 9000  
E: [council@cbc.city.nsw.gov.au](mailto:council@cbc.city.nsw.gov.au)



## NOTICE OF DETERMINATION – CONSENT

Issued under s4.16(1)(a) of the *Environmental Planning & Assessment Act 1979*

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Development Application No.	DA-452/2021
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Applicant	Jacquel Australia Project Management(JAPM) Pty Ltd Attention: Georgia McKenzie Level 8 123 Pitt St SYDNEY NSW 2000
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Land to be Developed	280-300 Lakemba Street & 64-70 King Georges Road, Wiley Park Lot A DP 962951, Lot 1 DP 124635, Lot 1 DP 124613, Lot 1 DP 124636, Lot B DP 402053, Lot A DP 402053, Lot 3 DP 501587, Lot 1 DP 501587, Lot 2 DP 501587, Lot 2 DP 6970, Lot 2 DP 206965
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Approved Development	Demolition of existing structures, removal of 18 trees and the construction of a shop top housing development comprising 142 residential apartments within four residential podiums, rooftop communal open space; retail floor space, 3 storey basement car parking including a mezzanine level comprising 242 car spaces, storage and waste facilities. The development includes Torrens Title subdivision of land to enable dedication of the new lane works along the rear and slip lane with associated public footpath. This application is an Integrated Development and requires approval from
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**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.**

**Date of Determination**

**DRAFT**

**Consent to Operate From**

**DRAFT**

**Consent to Lapse On**

**DRAFT**

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## SCHEDULE 1 – CONDITIONS

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

### 1. Approved Development.

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

Plan No.	Plan Name	Date	Revision	Prepared By
DA1.01	Demolition Plan	14.10.21	B	Marchese Partners International Pty Ltd
DA2.01	Plan Level B3	14.10.21	D	Marchese Partners International Pty Ltd
DA2.02	Plan Level B2	14.10.21	D	Marchese Partners International Pty Ltd
DA2.03	Plan Level B1	14.10.21	D	Marchese Partners International Pty Ltd
DA2.04	Plan Level B0	14.10.21	D	Marchese Partners International Pty Ltd
DA2.05	Plan Level 00	14.10.21	D	Marchese Partners International Pty Ltd
DA2.06	Plan Level 01	14.10.21	D	Marchese Partners International Pty Ltd
DA2.07	Plan Level 02	14.10.21	D	Marchese Partners International Pty Ltd
DA2.08	Plan Level 03	14.10.21	D	Marchese Partners International Pty Ltd
DA2.09	Plan Level 04	14.10.21	D	Marchese Partners International Pty Ltd
DA2.10	Plan Level 05	14.10.21	D	Marchese Partners



				International Pty Ltd
DA2.11	Plan Level 06	14.10.21	D	Marchese Partners International Pty Ltd
DA2.12	Plan Level 07	14.10.21	D	Marchese Partners International Pty Ltd
DA2.14	Plan Level Roof	14.10.21	D	Marchese Partners International Pty Ltd
DA3.01	Section A-A	14.10.21	D	Marchese Partners International Pty Ltd
DA3.02	Section B-B	14.10.21	D	Marchese Partners International Pty Ltd
DA3.03	Section C-C	14.10.21	D	Marchese Partners International Pty Ltd
DA3.04	Streetscape Sections I	14.10.21	D	Marchese Partners International Pty Ltd
DA3.05	Cross Sections	14.10.21	B	Marchese Partners International Pty Ltd
DA3.06	Streetscape Sections II	14.10.21	D	Marchese Partners International Pty Ltd
DA4.01	Elevation – South West – King George Road	14.10.21	D	Marchese Partners International Pty Ltd
DA4.02	Elevation – North West – Lakemba Street	14.10.21	D	Marchese Partners International Pty Ltd
DA4.03	Elevation North-East	14.10.21	D	Marchese Partners International Pty Ltd
DA4.04	Elevation South-East	14.10.21	D	Marchese Partners International Pty Ltd
DA4.05	Elevation South-West Internal	14.10.21	D	Marchese Partners International Pty Ltd
DA4.06	Elevation North-	14.10.21	D	Marchese Partners



	East Internal			International Pty Ltd
DA4.07	Elevation South-East Internal	14.10.21	D	Marchese Partners International Pty Ltd
DA4.08	Elevation North-West Internal	14.10.21	D	Marchese Partners International Pty Ltd
DA5.01	Materials Board	14.10.21	C	Marchese Partners International Pty Ltd
DA8.07	Privacy Section	14.10.21	D	Marchese Partners International Pty Ltd
DA9.01	Adaptable Unit A	14.10.21	D	Marchese Partners International Pty Ltd
DA9.02	Adaptable Unit B	14.10.21	D	Marchese Partners International Pty Ltd
DA9.03	Adaptable Unit C	14.10.21	D	Marchese Partners International Pty Ltd
DA9.04	Adaptable Unit D	14.10.21	D	Marchese Partners International Pty Ltd
DA9.05	Liveable Units Levels 1 & 2	14.10.21	B	Marchese Partners International Pty Ltd
DA9.06	Liveable Units Levels 1 & 2	14.10.21	B	Marchese Partners International Pty Ltd
DA9.07	Liveable Units Level 3	14.10.21	B	Marchese Partners International Pty Ltd
DA9.08	Liveable Units Level 3	14.10.21	B	Marchese Partners International Pty Ltd
DA9.09	Liveable Units	14.10.21	B	Marchese Partners



	Level 4			International Pty Ltd
DA9.10	Liveable Units Level 5 & 6	14.10.21	B	Marchese Partners International Pty Ltd
DA10.1	Council RFI – Distance to Power Lines	14.10.21	D	Marchese Partners International Pty Ltd
DA10.2	Council RFI – Frontages Section	14.10.21	C	Marchese Partners International Pty Ltd
DA10.3	Council RFI – Ramp Section	14.10.21	B	Marchese Partners International Pty Ltd
DA10.4	Council RFI – Waste Bin Carting Plan – Ground Level	14.10.21	A	Marchese Partners International Pty Ltd
DA10.5	Waste Bin Carting Plan – Basement 0	14.10.21	A	Marchese Partners International Pty Ltd
DA10.6	Waste Bin Carting Plan – Basement 1	14.10.21	A	Marchese Partners International Pty Ltd
-	Draft DP	22.7.19	-	John T Higgins
L01	Tree Removal and Retention Plan	14.10.21	B	Taylor Brammer Landscape Architect Pty Ltd
L02	Landscape Plan – Ground Floor	14.10.21	E	Taylor Brammer Landscape Architect Pty Ltd
L03	Planting Plan – Ground Floor	14.10.21	B	Taylor Brammer Landscape Architect Pty Ltd
L04	Landscape Plan Level 3	14.10.21	B	Taylor Brammer Landscape Architect Pty Ltd
L05	Landscape Plan –	14.10.21	D	Taylor Brammer



	Level 7			Landscape Architect Pty Ltd
L06	Landscape Plan – Roof Level	14.10.21	E	Taylor Brammer Landscape Architect Pty Ltd
L07	Landscape Elevation	14.10.21	B	Taylor Brammer Landscape Architect Pty Ltd
L08	Planting Species	14.10.21	B	Taylor Brammer Landscape Architect Pty Ltd
L09	Details	7.5.21	A	Taylor Brammer Landscape Architect Pty Ltd
L10	Details	14.10.21	A	Taylor Brammer Landscape Architect Pty Ltd
L11	Details	14.10.21	A	Taylor Brammer Landscape Architect Pty Ltd
L12	Maintenance Plan	14.10.21	A	Taylor Brammer Landscape Architect Pty Ltd
L13	Landscape Section	14.10.21	A	Taylor Brammer Landscape Architect Pty Ltd
DA-STW-002	Stormwater Drainage Legend and Abbreviations	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-003	Stormwater Drainage General Notes	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-004	Stormwater Drainage Survey Plan	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-005	Stormwater Drainage Erosion and Sediment Control Plan	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-006	Stormwater Drainage Erosion and Sediment Control Details	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-007	Stormwater	21.5.21	B	LP Consulting





	Drainage Stormwater Quality Catchment Plan – Ground Floor			Australia Pty Ltd
DA-STW-101	Stormwater Drainage Basement 3	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-102	Stormwater Drainage Basement 2	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-103	Stormwater Drainage Basement 1	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-104	Stormwater Drainage Level B0	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-105	Stormwater Drainage Ground Floor	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-106	Stormwater Drainage Level 1	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-107	Stormwater Drainage Level 2	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-108	Stormwater Drainage Level 3	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-109	Stormwater Drainage Level 4	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-110	Stormwater Drainage Level 5	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-111	Stormwater Drainage Level 6	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-112	Stormwater Drainage Level 7	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-113	Stormwater Drainage Roof Plan	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-201	Stormwater Drainage OSD Tank General Arrangement and Details	21.5.21	B	LP Consulting Australia Pty Ltd
DA-STW-203	Stormwater Drainage Details	21.5.21	B	LP Consulting Australia Pty Ltd
DA-C-11	Civil Works	8.10.21	D	LP Consulting



	Coordinated Services Sheet 1			Australia Pty Ltd
DA-C-012	Civil Works Coordinated Services Sheet 2	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-101	Civil Works Site Works and Grading Plan	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-201	Civil Works Longitudinal Sections Sheet 1	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-202	Civil Works Longitudinal Sections Sheet 2	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-203	Civil Works Ground Clearance Check	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-211	Civil Works Kerb Return Detail	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-212	Civil Works Footpath Detail	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-300	Civil Works Typical Sections	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-301	Civil Works Cross Sections Sheet 1	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-302	Civil Works Cross Sections Sheet 2	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-303	Civil Works Cross Sections Sheet 3	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-304	Civil Works Cross Sections Sheet 4	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-305	Civil Works Cross Sections Sheet 5	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-501	Civil Works Stormwater Drainage Plan	8.10.21	D	LP Consulting Australia Pty Ltd



DA-C-502	Civil Works Pavement Plan	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-601	Civil Works Details Sheet 1	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-602	Civil Works Details Sheet 2	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-603	Civil Works Details Sheet 3	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-604	Civil Works Details Sheet 4	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-605	Civil Works Details Sheet 5	8.10.21	D	LP Consulting Australia Pty Ltd
DA-C-606	Civil Works Details Sheet 6	8.10.21	D	LP Consulting Australia Pty Ltd

Document No.	Document Name	Date	Revision	Prepared By
-	Plaza and Basement Management Plan	December 2021	-	Urbis
-	Rooftop Management Plan	December 2021	-	Urbis
GJ/AL – 17-149	Landscape Letter	14.10.21	-	Taylor Brammer Landscape Architects Pty Ltd
21188	Revised Traffic and Parking Assessment Report	14.10.21	-	Varga Traffic Planning Pty Ltd
21188	Revised Loading Dock Management Plan	14.10.21	-	Varga Traffic Planning Pty Ltd
3570	Operational Waste Management Plan	7.10.21	B	Elephants Foot Consulting Pty Ltd
-	Construction Waste Management Plan	May 2021	B	Caverstock Group



-	Acoustic Assessment	28.5.21	8	Renzo Tonin and Associates
-	Natural Ventilation Statement	27.5.21	2	Windtech Consultants
-	Pedestrian Wind Environment Statement	16.9.20	0	Windtech Consultants
-	Pedestrian and Wind Environment Memo	21.5.21	-	Windtech Consultants
-	Arboricultural Development Impact Assessment Report	7.5.21	D	Birds tree Consultancy
-	Geotechnical Advice	10.5.21	-	JK Geotechnics
-	Geotechnical Investigation	22.6.17	0	JK Geotechnics
134666	BCA Compliance Report	28.5.21	L	Holmes Fire
-	Fire Performance Solution Letter	28.5.21	H	Holmes Fire
-	Access Report	21.5.21	-	Accessibility Solutions (NSW) Pty Ltd
-	Hazardous Materials Survey	1.11.21	0	EI Australia
-	Additional Site Investigation	1.11.21	-	EI Australia

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

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

- a. A convex mirror is to be incorporated into the design of the residential access lobby of Building 1-A to facilitate passive surveillance of the lift from the street.
- b. Intercoms and controlled access measures (e.g. roller doors, swipe door access) to be installed at the residential building entry points,



main entry point to basement car park and entry point to residential component of basement car park.

- c. The building is to be clearly identified by street numbers.
- d. Storage within each dwelling must be provided as follows:
  - Minimum 6m<sup>3</sup> in one bedroom apartment;
  - Minimum 8m<sup>3</sup> in two bedroom apartments;
  - Minimum 10m<sup>3</sup> in three+ bedroom apartments;
  - At least 50% of the required storey is to be located within the apartment.
- e. No air conditioning unit condensers are to be included on the private open space areas of dwellings. The condensers are to be located in the dedicated plant space on the roof or within the basement.
- f. The roof of the development must not exceed 10degrees pitch.

1.2. No approval is granted or implied for the use of any retail and commercial tenancies. Separate development consent is to be obtained for the use of these premises.

1.3. The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

1.4. The public space on the ground floor (public plaza) is to remain open to the public at all times.

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

2.1. Development Contributions of **\$1,704,394.12** 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	<b>\$154,163.72</b>
Plan administration	<b>\$43,366.06</b>
Open Space	<b>\$1,506,864.34</b>



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. The land dedication to Council described on ‘Draft DP’ dated 22.7.21 prepared by John T Higgins shall be utilised to provide the widening of Lakemba Street and a new laneway within the site.
- 2.3. No structure attached to the site shall exist above or below the land dedication.
- 2.4. 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).
- 2.5. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council’s Landscape Architect (Contact no: 9707 9604), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
- 2.6. An automatic watering system is to be installed in common areas at the applicant’s cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer’s specification and current Sydney Water guidelines.
- 2.7. Approval is granted for the removal of the following trees:
  - a. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;



- b. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- c. Any tree species listed under clause 3.4 of Canterbury Development Control Plan 2012 Part B3 – Tree Management Order;
- d. Any of the following tree/s:

Refer to Appendix 7 – Recommendations (As per Arboricultural impact assessment report, Date: 07/05/2021 by Birds Tree Consultancy).

- 2.8. All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).
- 2.9. All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 5m in height
- 2.10. The proposed on structure and rooftop planting shall comply with the requirements of CDCP 2012 Control B2.3.5 Landscape Structure and Maintenance C4. Refer to Control B2.3.5 Landscape Structure and Maintenance C5 for recommended minimum standards for volume depth and soil area as per plant sizes and planter boxes
- 2.11. The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 2.12. 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.





2.13. 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:

- g. Council's development control plan,
- h. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- i. 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.

2.14. 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

2.15. 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.

2.16. 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](http://www.sydneywater.com.au/tapin) for Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://www.sydneywater.com.au) 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPINTM.

Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 2.17. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.
- 2.18. 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](http://www.longservice.nsw.gov.au) at <https://www.longservice.nsw.gov.au>.
- 2.19. 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. For the general parking entry/exit, an Heavy Duty VFC of maximum width of 11.0 metres **and** for the loading dock entry/exit, an Heavy Duty VFC of maximum width of 14.5 metres, both measured at the newly lot boundary within the laneway dedicated to Council.
  - b. Drainage connection to Council's drainage system.
  - c. Full width concrete / special type footway paving along the site's entire frontages.
  - d. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - e. Repair of any damage to the public road including the footway occurring during development works.
  - f. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

**Note:** 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.

- 2.20. The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 2.21. 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.
- 2.22. 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.
- 2.23. 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.
- 2.24. 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.

2.25. 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.

2.26. The person having benefit of this Determination Notice shall apply for a Work Permit and obtain approval from Council, for all works proposed on the below listed plans

Drawing number	Revision	Date	Prepared By
DA-C-011	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-012	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-101	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-201 to DA-C-203	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-211	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-212	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-300 to DA-C-305	D	Oct 07 2021	LP Consulting Australia Pty Ltd
DA-C-501	D	Oct 08 2021	LP Consulting Australia Pty Ltd
DA-C-502	D	Oct 08 2021	LP Consulting Australia Pty Ltd

The above plans are approved for concept ONLY. The following shall be sought.

- a. Additional pipe and pit system in the laneway shall be proposed to extend to the rear boundary to allow for future connections.
- b. Type of footpath paving and design pattern to Council satisfaction.
- c. Pavement thickness, pavement type, CBR test results and ESA values.
- d. RMS approval for works including relocation of traffic lights.
- e. Utility services approval for relocation of assets.

2.27. 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
DA-STW-001 to DA-STW-007	B	21 May 2021	LP Consulting Australia Pty Ltd
DA-STW-101 to DA-STW-113	B	21 May 2021	LP Consulting Australia Pty Ltd
DA-STW-201	B	21 May 2021	LP Consulting Australia Pty Ltd
DA-STW-203	B	21 May 2021	LP Consulting Australia Pty Ltd

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

- a. Additional access pit covers over (maximum 5m spacing) the OSD tank to allow for ease of maintenance and inspection.

2.28. 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.

2.29. 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.

2.30. The layout of the approved car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, and parking bay dimensions, etc) shall be in accordance with the AS 2890 parking series.

Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifier prior to the issue of the Construction Certificate.



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

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

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

2.31. Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water. Details must be submitted with the application for a construction certificate and be approved by the Principal Certifier prior to the issue of a construction certificate.

2.32. 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.

2.33. The Construction Certificate plans must demonstrate full compliance with the requirements of the **BCA compliance report** Project No. 134666 prepared by Holmes Fire Version 'L' dated 28/05/2021 and the requirements of **Access Report** dated 21/05/2021 prepared by Mark Relf – Accessibility Solutions (NSW) Pty Ltd, and the requirements of the **(SECTION J, BCA) report** Ref 21-1706 Issue C dated 18/05/2021 prepared by Sustainable Building Consultants (Efficient Living Pty Ltd), and the requirements of TJ700-01F02 DA(r8) **Acoustic report** by RENZO TONIN & ASSOCIATES dated 28 May 2021, and the requirements of the **Natural Ventilation System report** Ref WD673-06F02(r2)- dated 27/05/2021 prepared by Windtech Consultants Pty Ltd.

Additionally, the design of the development Services and Equipment (SECTION E, BCA) will be subject to review by an accredited Hydraulic/Fire consultant and confirmed compliance prior to the issue of any Construction Certificate stage.

Furthermore, details of any Fire Engineered Solutions and deemed-to-satisfy provisions must be provided in full for approval with the Construction Certificate.





- 2.34. The development is to be carried out in accordance with the commitments shown in the BASIX Certificate number 858702M\_08 dated 28 May 2021 and the NatHERS Certificate No. 0005218960 prepared by Efficient Living Pty Ltd, the BASIX and NatHERS commitments approved with the development application are to be reflected in the construction certificate plans and specifications.
- 2.35. A certificate from a professional accredited engineer certifying the structural design of the development will be appropriate to the building's proposed use must be provided to the Principal Certifier prior to the issue of a construction certificate.
- 2.36. Following the completion of the detailed site contamination investigation, a Remedial Action Plan (RAP) if required, must be prepared by an appropriately qualified environmental consultant and submitted to Council. This RAP must comply with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites and must set the remediation objectives and determine the most appropriate remedial strategy to ensure that the site will be suitable for the proposed end use.
- 2.37. Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

- a. Proposed ingress and egress points for vehicles to and from the construction site;
- b. Proposed protection of pedestrians, adjacent to the construction site;
- c. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e. Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.



- f. Proposed route for transportation of bulk and excavation materials to and from the development site.

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

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

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

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

2.38. 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.

2.39. 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:

#### A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

#### 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.

2.40. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repairs or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.

- a. The applicant shall prepare a dilapidation report/photographic survey prepared by an appropriately qualified consultant for the adjoining properties at 278 Lakemba Street, Wiley Park, 72-74 King Georges Road, Wiley Park and 76 King Georges Road, Wiley Park detailing the physical condition of the properties, both internally and externally, including items such as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

2.41. The proposed rear laneway adjacent to the northern boundary and slip lane adjacent to the revised western boundary shall be designed generally in accordance with the civil drawings by LP Consulting Australia Pty Ltd , Job no 2017-1138 Issue D dated 8 October 2021. The final design drawings shall be approved by Council prior to the issue of a construction certificate.



2.42. The Hazardous Material Survey prepared by EI Australia Pty Ltd, titled 'Hazardous Material Survey', dated 1 November 2021, reference E25377.E10\_Rev0 and all the recommendations stated within this report forms part of the development consent.

All recommendations in the above-mentioned report are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of a Construction Certificate.

2.43. The Additional Site Investigation Report prepared by EI Australia Pty Ltd, titled 'Additional Site Investigation; 64-70 King Georges Road & 280-300 Lakemba Street, Wiley Park NSW', dated 1 November 2021, reference E25377.E03\_Rev0 and all the recommendations stated within the report forms part of the development consent.

2.44. The designated car wash bay must be designed and constructed to ensure that wastewater is discharged to the sewer in accordance with the requirements of Sydney Water.

2.45. A vacant land charge form is to accompany any Construction Certificate (CC) application for the removal of all domestic garbage and recycling bins.

<https://www.cbccity.nsw.gov.au/council/forms/waste-recycling>

2.46. A design certificate and detailed plans are to accompany any CC application which demonstrate that the waste storage room has been designed to be constructed in accordance 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. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
- d. The walls must be constructed of solid impervious material.
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. Any doorways must be 2m wide.



- l. Designed to fit 16 x 1,100L recycling bins
- m. Designed to fit 16 x 1,100L garbage bins
- n. Each residential floor is to have a recycling storage cupboard capable of housing 2 x 240L recycling bins directly adjacent to the chute hopper.

2.47. A design certificate and detailed plans are to accompany any CC application which demonstrate that the bin carting route from the waste holding room to nominated onsite truck collection point has been designed to be constructed in accordance with the following requirements:

- a. Direct and less than 10 metres,
- b. Minimum 2m wide hard surface;
- c. Non-slip, free from obstacles and steps;
- d. Not within a driveway or carpark, this is considered a conflict point for vehicles and collection staff; and
- e. A maximum grade of 1:30 (3%);
- f. Layback installed at the nominated collection point.

2.48. A design certificate and detailed plans are to accompany any CC application which demonstrate that the bulky waste storage room has been designed to be constructed in accordance 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. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The walls must be constructed of solid impervious material.
- d. The room is to be integrated within the building, a minimum 2.1m 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 2m wide.
- l. Designed with a minimum floor space of 4m<sup>2</sup>

2.49. A design certificate and detailed plans certified by a traffic engineer are to accompany the CC application that confirms that the development can be accessed and serviced by a Heavy Rigid Vehicle. The plans are to



specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004 for a Heavy Rigid Vehicle.

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

- a. 30 tonne GVM
- b. Turning circle of 25 metres
- c. Length of 12.5 metres
- d. Clearance height of 4.5 metres (6m if using hook lift bins)

2.50. Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany any CC application which confirms that the waste chute shall be constructed to satisfy the following requirements:

- a. Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
- b. Chute is cylindrical in section, vertical and without bends as it passes through the floors
- c. Chutes must terminate in the waste storage room and discharge into a waste bin
- d. Comply with manufacturer's technical specifications and operational limitations

2.51. A soil erosion and sediment control plan must be prepared by a suitably qualified professional in accordance with Council's Demolition and Construction Guidelines and Development Engineering Standards and submitted to the certifier for approval prior to the issue of a construction certificate.

2.52. The applicant shall apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage in Lakemba Street, 8 weeks in advance of when construction is scheduled to begin, including payment of the relevant fees & charges. This is subject to recommendation by the Traffic Committee, and must be approved and paid for prior to issuance of a Construction Certificate.

### **3. Conditions to be Satisfied Before Construction.**

3.1. A Construction Traffic Management Plan (CTMP)/Site, Pedestrian & Traffic Management Plan (SPTMP) shall be required to be submitted six months



prior to the commencement of works on the site, for both demolition and construction phases of the development / project.

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

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

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

- a. the principal certifier has, no later than 2 days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of his or her appointment as the principal certifier,
  - b. the principal certifier has, no later than 2 days before the building work commences, notified the person having the benefit of this Determination Notice of any inspections that are required to be carried out in respect of the building work,
  - c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
  - d. the person having the benefit of this Determination Notice, if not carrying out the work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involve, and
    - ii. notified the principal certifier of the appointment, and
    - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
  - e. the person having the benefit of this Determination Notice has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.
- 3.3. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 3.4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to





which the work relates (not being the council) has given the council written notice of the following information —

- a. In the case of work for which a principal contractor is required to be appointed—
  - i. the name and licence number of the principal contractor, and
  - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b. In the case of work to be done by an owner-builder—
  - i. the name of the owner-builder, and
  - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 3.5. Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
- 3.6. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 3.7. Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
- 3.8. Prior to the commencement of work, the person having the benefit of this Determination Notice must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.
- 3.9. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.



Application can be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.

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

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

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

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

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

- 3.12. Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws.
- 3.13. Written notice must be given to adjoining residents seven (7) days prior to the commencement of demolition advising of the commencement date.

Written notice is to be given to Council for inspection prior to demolition. Such written notice is to include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolisher.



The following inspections must be undertaken by Council:

- a. A pre-commencement demolition inspection when all site works required as part of this consent are installed on the site and prior to demolition work commencing; and
- b. A final demolition inspection when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

Payment of an inspection fee at Council's current rate will be required prior to inspection. Council requires 48 hours notice to carryout inspection.

Prior to demolition work, a sign must be erected at the front of the property with the demolishers name, licence number and contact phone number.

Demolition work may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition work is to be carried out at any time on a Sunday or a public holiday.

All demolition work must be carried out in accordance with Australian Standard 2601-2001 - The demolition of structures.

Where asbestos containing materials are to be removed, demolition is to be carried out by contractors who have a current SafeWork NSW licence in asbestos removal.

An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work.

Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority.

Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

A copy of the final demolition inspection report is to be submitted to the principal certifier prior to the commencement of building work.

#### **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. An identification report by a registered surveyor must be submitted to the principal certifier prior to the basement floor slab being poured to verify the building's footprint setback and levels conform to the approved plans.
- 4.5. 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.
- 4.6. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 4.7. If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.



4.8. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

4.9. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

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. The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

4.11. 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. 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.

4.14. Should any works required on downstream properties, the works shall be carried out in accordance with the following:

- a. The owners of downstream property shall be given at least seven (7) days notice in writing of intention to commence work within their property, together with particulars of the proposed work.
- b. Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
  - 4.14.a.i. Preserve and protect such building from damage; and
  - 4.14.a.ii. If necessary underpin and support such buildings.
- c. Restoration of drainage works over the downstream property shall be to the satisfaction of the owners of the property/these properties.

4.15. A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.

4.16. Tree protection to be in place, Refer to Appendix 6.0, tree 13 to 15 and Appendix 6.2.13 to 6.2.15 and Appendix 7.0 As per Arboricultural impact assessment report, Date: 07/05/2021 by Birds Tree Consultancy.

4.17. 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.



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

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

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

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

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

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

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

- 4.20. If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.

- 4.21. Requirements of the approved WMP shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works. When implementing the WMP the developer is to ensure:

- a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997
- b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997



- c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste.
- f. All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- g. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works

4.22. Redundant driveways along King Georges Road and Lakemba Street fronting the development to be removed and reinstated with kerb and gutter and verge to match with remaining.

4.23. Sight triangles are to be provided on both sides of the driveway, in accordance with *AS 2890.1:2004 Figure 3.3 – Minimum Sight Lines for Pedestrian Safety*. The sight triangles shall extend 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway and is to be kept clear of any obstructions on either side of the driveway.

## **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. Consolidation of the existing allotments must be registered by NSW Land Registry Services prior to the issue of an occupation certificate.





- 5.3. An identification report by a registered surveyor must be submitted to the principal certifier to verify the buildings wall and roof eaves setback, floor levels and height conform to the approved development plans.
- 5.4. 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).
- 5.5. Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 5.6. 242 off street car spaces plus one car wash bay being provided in accordance with the submitted plans.  
This shall comprise:
- 121 residential spaces
  - 29 residential visitor spaces
  - 1 car wash bay
  - 92 retail spaces 80% of these spaces, i.e. 74 spaces are to be visitor and short stay spaces and 20% of these spaces. i.e 18 spaces are to be allocated to staff and long-stay parking.
- 21 of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 5.7. 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.
- 5.8. A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 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. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made to the affected person/s as soon as practical and prior to the occupation of the development. All costs associated with achieving compliance with this condition shall be borne by the applicant.
- 5.13. Appropriate way finding signage is to be erected within the site.
- 5.14. The residential entry points are to be clearly numbered with the dwellings accessible through that entry.
- 5.15. All letterboxes are to be installed to meet Australia Post standards.
- 5.16. Final registration of land dedication to Council shall be finalised prior to the issue of any Occupation Certificate.
- 5.17. 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, AS2890 parking series and DCP specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 5.18. A registered surveyor shall prepare a Work As Executed Plan and certification of the constructed stormwater management system shall prepared by a professional engineer as defined by the Building Code of Australia shall be submitted to Council.

The information on the Work As Executed Plan shall be shown in red on a copy of the approved stormwater plan and shall include all information



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

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

- 5.19. 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.

- 5.20. The Acoustic Report submitted in support of this application prepared by Renzo Tonin & Associates, titled, '280-300 LAKEMBA STREET AND 64-70 KING GEORGES ROAD, WILEY PARK Acoustic Assessment for Development Application', reference number TJ700 01F02 Acoustic Report for DA (r8), dated 28 May 2021 and all the recommendations stated within the report, form part of the development consent.

The Principal Certifying Authority shall obtain a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above-mentioned acoustic report have been implemented and that the relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate. A copy of the report is to be submitted to Council prior to the issue of any Occupation Certificate





- 5.21. The Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd dated 16 September 2020 and all the recommendations states within the report, form part of the development consent.

The Principal Certifying Authority shall obtain a report from an appropriately qualified wind consultant, not previously involved with the development, to undertake appropriate wind testing once the development is constructed, and prior to the issue of any Occupation Certificate, to confirm that the recommendations of the report remain valid. Should the results of the additional testing require further design changes, further approval should be sought to incorporate any additional mitigation measures (if required). A copy of the report is to be submitted to Council prior to the issue of any Occupation Certificate

- 5.22. Prior to the issue of any Occupation Certificate (OC), an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, truck turntables, and that all waste facilities are fit for purpose.

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

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

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

- 5.24. Prior to the issue of any OC, the owner is to enter into a formal agreement with a licenced private waste contractor to service the commercial portion of the development. The contract is to ensure the removal of all waste from the development site.



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

- a. The service is functional and meets the operational needs of the development
- b. The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

A copy of the contract is to be forwarded to Council prior to the issue of any OC.

5.25. Prior to the issue of any OC, a traffic engineer is to inspect and approve all waste vehicle access and manoeuvring/turning movements to ensure they comply with the development approval and design certificate, and that the development can be accessed and serviced by a Heavy Rigid Vehicle. Specifically, the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004.

5.26. The applicant is to plant the following replacement tree/s with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-204:

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

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

The trees shall be planted by a qualified landscape contractor with experience in handling advanced sized tree stock, and in accordance with the tree delivery, planting preparation – general, planting, mulching and staking specifications included in Standard Drawing No. S-204.

Once the trees have been planted, a tree protection fence located at a 2.0 metre radius from the trunk of each tree shall be installed to protect the trees during the demolition and construction phases. The fences shall be constructed of chain wire mesh 1.80 metres high supported by steel posts, shall not be removed or altered, and are to remain in place for the duration of the site works.



During the construction phase the trees shall be watered and maintained in accordance with the tree establishment and maintenance requirements included in Standard Drawing No. S-204. The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting once the tree protection fence has been installed, and again once the works have been completed prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

## **6. Conditions for Ongoing Use of the Site**

- 6.1. The development is to comprise of the following apartment configuration as shown on the approved architectural plans:
  - a. 18 x studio apartments
  - b. 40 x one bedroom apartments
  - c. 80 x two bedroom apartments
  - d. 4 x three bedroom apartments
- 6.2. 15 of the 142 apartments proposed are to be accessible/adaptable as shown on the approved architectural plans.
- 6.3. Windows on the street frontage at ground level must not be mirrored.
- 6.4. The landscaping and deep soil areas are always to be maintained to the Council's satisfaction.
- 6.5. Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
- 6.6. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 6.7. The use of the rooftop communal areas is subject to the following restrictions:



- a. Hour of use is limited to 7.00am to 10.00pm, Monday to Sunday.
- b. Smoking is not permitted.
- c. Music and other amplified sound are not permitted.

6.8. The rooftop plan of management submitted in support of this application prepared by Urbis, forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management.

6.9. The Building Management must implement and maintain a complaint handling procedure. Every complaint must be recorded on a Complaint Form and kept in a Complaints Register. The Complaint Form must contain the following information:

- a. Name, address and contact details of the Complainant;
- b. Time and date the complaint was received;
- c. The nature of the complaint or incident (see below what constitutes an incident);
- d. The time and date the incident occurred;
- e. The name of the employee that received the complaint;
- f. Actions taken to investigate the complaint and the summary of the results of the investigation;
- g. Indication of what was occurring at the time the incident was observed;
- h. Required remedial action;
- i. Validation of the remedial action;
- j. Summary of feedback to the Complainant and name of employee who gave the feedback.

Incident includes:

- (i) Any breach of a plan of management (where applicable);
- (ii) Any complaint by any person about the operation of the premises;
- (iii) Any complaint by any person about noise emanating from the premises; or
- (iv) Any event that may cause concern to any person as a result of the conduct and/or an act of any person(s) on, entering or exiting the premises.

All complaints received shall have an initial investigation commencing within 7 days.

The Complaints Register must always be held on the premises and shall be reviewed monthly by the Building Management to ensure all complaints are being investigated and resolved in a timely manner.

The Complainant must be notified of the results and actions arising from the investigation.

The Complaints Register must contain a direction that all complaints of a criminal nature are to be reported to the Police immediately.



A copy of the Complaints Register shall be provided to Council or Police immediately upon request.

- 6.10. The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.
- 6.11. Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- 6.12. 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.
- 6.13. The waste storage rooms must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning. Open waste storage areas must be appropriately covered and bunded. The ground must be paved with impervious material and must be graded and drained to a waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided.
- 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.
- 6.14. The ongoing management section of the WMP are to be included in the by-laws of the strata property. This will ensure that the approved WMP is fully implemented and followed by residents and property managers.
- 6.15. The development must operate in full compliance with Council's Waste Management collection requirements.





6.16. The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is always to be kept clear of obstructions so not to restrict the collection of waste and recycling bins.

6.17. The temporary bin holding area will be required to be of sufficient size to allow the temporary storage of all allocated bins for the development. Developments proposing a temporary holding area will require a caretaker to transfer all allocated bins from the bin storage area to the temporary holding area the day before the designated collection day and return them once emptied.

6.18. All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal and be able to show the waste collection contract if it is requested by a Council Enforcement Officer.

6.19. Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:

- a. Responsibility for cleaning and maintaining waste storage bins and containers
- b. Responsibility for the service and management of the turntable and loading dock.
- c. Responsibility for cleaning and maintaining waste storage room
- d. Responsibility for the transfer of bins to the nominated collection point
- e. Method of communication to new tenants and residents concerning the developments waste management system.
- f. Cleaning up and management of bulky waste
- g. Responsibility for maintaining the compost bin or wormfarm

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

6.20. No waste storage bins are to be located or placed outside the approved waste storage room at any time except for collection purposes.

6.21. Signage can be provided by Council that clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. The signs provided must be maintained by the site manager.

6.22. Where the waste management system incorporates the use of a waste chute system, a contingency plan must be in place for the development to allow for the continual disposal and collection of waste if the chute cannot





be operated. Contingency plan to be detailed in the Waste Management Plan.

- 6.23. The management of the development are responsible for the maintenance, service and management of the turntable to ensure it is available for waste collection use.

In the event of breakdown the building management is to inform Council waste services and see to repairs immediately.

A contingency plan is to be in place with building management to manage the breakdown or failure of the turn table.

## **7. Conditions to be Satisfied Before Subdivision Certificate**

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



- h. A copy of the Work Permit Compliance Certificate, where required,
- i. A copy of the Occupation Certificate for the building.

An application for the issue of a Subdivision Certificate must be submitted to Council on the NSW Planning Portal and appropriate fees must be paid to Council at the time of submitting the information referred to in Part (b) of this condition.

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

## **8. Conditions from Transport New South Wales to be Satisfied**

- 8.1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the King Georges Road boundary.

- 8.2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the King Georges Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- 8.3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 8.4. All demolition and construction vehicles are to access the site via Lakemba Street. A construction zone will not be permitted on the King Georges Road.



- 8.5. The proposed development, noting its use, should be designed, as per the requirements of Clause 101 (2)(c) of State Environmental Planning Policy (Infrastructure) 2007 such that it includes measures to ameliorate potential traffic noise or vehicle emissions noise within the site of the development arising from the King Georges Road. These measures shall be certified by an appropriately qualified noise and air quality expert and noted on the plans prior to issue of a Construction Certificate.
- 8.6. If hoarding is required to facilitate the development within the King Georges Road road reserve a separate Section 138 approval under the Roads Act 1993 will be required from TfNSW. Documentation provided must clearly demonstrate that clearance widths for pedestrians are maintained in accordance with AUSTRROADS Guide to Road Design Part 6A: Paths for Walking and Cycling (Section 5 Design Criteria), it does not impact pedestrian movements on the footpath with consideration given to all users and demonstrate how the hoarding shall not obstruct line of sight to for all users to traffic control signals, driveways or other critical road infrastructure.

## **9. Conditions from Ausgrid to be Satisfied**

- 9.1. 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.

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](http://www.ausgrid.com.au)

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"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.

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."



- 9.2. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Should you have any enquiries, please contact Ausgrid at [development@ausgrid.com.au](mailto:development@ausgrid.com.au).

## **10. Conditions from Sydney Water to be Satisfied**

- 10.1. Potable water servicing should be available via a 150mm CICL watermain (laid in 1926) on Lakemba Street and a 150mm CICL watermain (laid in 1975) on King Georges Road. Amplifications, adjustments, and/or minor extensions may be required.
- 10.2. Wastewater servicing should be available via 225mm SGW wastewater mains (laid in 1937) within the property boundary. Adjustments to the 225mm SGW wastewater mains and a 150mm SGW wastewater main may be required. Sydney Water notes that the proponent has lodged an Adjustment and Deviation application under CN 191653 for the deviation of these assets. Amplifications and/or minor extensions may be required

## **11. Conditions from Water NSW to be Satisfied**

- 11.1. Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- 11.2. Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the



commencement and proposed completion date of the dewatering activity  
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

- 11.3. A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- 11.4. If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- 11.5. All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- 11.6. The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;





(b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.

11.7. Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

11.8. Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

11.9.(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on





the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)

- 11.10. The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- 11.11. Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- 11.12. This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- 11.13. The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA-452/2021 as provided by Council:
- a. JK Geotechnics(2021) Report to Lakemba Street Development Pty Ltd on Geotechnical Investigation for Proposed Mixed Used Development at 62-70 King Georges Road & 280-292 Lakemba Street, Wiley Park , NSW. Re: 30501Srpt Rev1. Dated 6 October 2021

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## **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](http://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.

