

SCHEDULE 1 – CONDITIONS

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

1. Approved Development.

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

Plan Name	Plan No.	Date	Rev.	Prepared By
Communal Open Space and Deep Soil	DA-0111	06.11.2021	4	SJB
Setbacks and Separation	DA-0114	27.05.2021	3	SJB
Road Plan	DA-1007	06.11.2021	4	SJB
Overall Plan- Basement	DA-1008	21.01.2022	5	SJB
Overall Plan- Lower Ground	DA-1009	12.04.2022	7	SJB
Overall Plan- Ground	DA-1010	12.04.2022	7	SJB
Overall Plan- Level 1	DA-1011	12.04.2022	6	SJB
Overall Plan- Level 2	DA-1012	12.04.2022	6	SJB
Overall Plan- Level 3	DA-1013	12.04.2022	6	SJB
Overall Plan- Level 4	DA-1014	12.04.2022	6	SJB
Overall Plan- Level 5	DA-1015	21.01.2022	5	SJB
Overall Plan- Level 6	DA-1016	21.01.2022	5	SJB
Building A- Ground Floor	DA-1210	21.01.2022	5	SJB
Building A- Level 1	DA-1211	06.11.2021	4	SJB
Building A- Level 2	DA-1212	06.11.2021	4	SJB
Building A- Roof Terrace	DA-1213	06.11.2021	4	SJB
Building A- Roof	DA-1214	06.11.2021	4	SJB
Building B- Ground Floor	DA-1220	21.02.2022	5	SJB
Building B- Level 1	DA-1221	21.01.2022	4	SJB
Building B- Level 2 + 3	DA-1222	21.01.2022	4	SJB
Building B- Level 4	DA-1223	21.01.2022	4	SJB
Building B- Level 5	DA-1224	21.01.2022	4	SJB
Building C- Lower Ground	DA-1230	12.04.2022	5	SJB
Building C- Ground	DA-1231	12.04.2022	4	SJB
Building C- Level 1	DA-1232	12.04.2022	4	SJB
Building C- Level 2	DA-1233	12.04.2022	4	SJB
Building C- Level 3	DA-1234	12.04.2022	4	SJB
Building C- Level 4	DA-1235	12.04.2022	5	SJB
Building D- Ground Floor	DA-1240	21.01.2022	5	SJB
Building D- Level 1	DA-1241	21.01.2022	5	SJB
Building D- Level 2	DA-1242	21.01.2022	5	SJB
Building D- Roof Level	DA-1243	06.11.2021	4	SJB
Building E - Ground Floor	DA-1250	21.01.2022	5	SJB
Building E - Ground Floor	DA-1251	21.01.2022	5	SJB

Building E - Level 1	DA-1252	21.01.2022	5	SJB
Building E - Level 2	DA-1253	21.01.2022	5	SJB
Building E - Level 3	DA-1254	21.01.2022	5	SJB
Building E - Level Roof	DA-1255	06.11.2021	4	SJB
Elevations- North & South	DA-1401	06.11.2021	4	SJB
Elevations- South & West	DA-1402	06.11.2021	4	SJB
Elevations- Pedestrian Link	DA-1411	12.04.2022	6	SJB
Elevations- Buildings C D E	DA-1412	12.04.2022	6	SJB
Elevations- Buildings A and D	DA-1421	06.11.2021	1	SJB
Elevations- Building B	DA-1422	06.11.2021	1	SJB
Elevations- Building B	DA-1423	06.11.2021	1	SJB
Elevations- Building C	DA-1422	12.04.2022	3	SJB
Elevations- Building C	DA-1425	06.11.2021	1	SJB
Elevations- Building E	DA-1426	06.11.2021	1	SJB
Sections East-West	DA-1501	06.11.2021	4	SJB
Sections North-South	DA-1502	06.11.2021	4	SJB
Perceived Height Diagram 1	DA-1521	27.05.2021	3	SJB
Perceived Height Diagram 2 - Building D	DA-1522	21.01.2022	4	SJB
Section- Building C	DA-1531	21.01.2022	1	SJB
Section- View from Southern Footpath of Trevenar St	DA-1532	21.01.2022	1	SJB
External Materials and Finishes	DA-2511	27.05.2021	3	SJB
Apartment Types- A1	DA-4411	21.02.2022	5	SJB
Apartment Types- A2	DA-4412	06.11.2021	4	SJB
Apartment Types- B1, B2, B3 & B4	DA-4421	21.01.2022	4	SJB
Apartment Types- B7, B8 & B9	DA-4423	27.05.2021	3	SJB
Apartment Types- C1, C2 & C3	DA-4431	27.05.2021	3	SJB
Apartment Types- C4, C5 & C8	DA-4432	21.01.2022	4	SJB
Apartment Types- C6, C7 & C9	DA-4433	12.04.2022	6	SJB
Apartment Types- D1	DA-4441	06.11.2021	4	SJB
Apartment Types- D2	DA-4442	06.11.2021	4	SJB
Apartment Types- D3	DA-4443	06.11.2021	4	SJB
Apartment Types- D4	DA-4444	06.11.2021	4	SJB
Apartment Types- E1	DA-4451	06.11.2021	4	SJB
Apartment Types- E2	DA-4452	06.11.2021	4	SJB
Apartment Types- E3	DA-4453	21.01.2022	5	SJB
Apartment Types- E4	DA-4454	06.11.2021	4	SJB
Apartment Types- E5	DA-4455	21.01.2022	5	SJB
Apartment Types- E6	DA-4456	21.01.2022	5	SJB
Apartment Types- B3 & C2 - Adaptable	DA-4471	27.05.2021	3	SJB
Apartment Types- E3 – Adaptable	DA-4472	06.11.2021	4	SJB
GFA Analysis	DA-6101	21.01.2022	5	SJB

Unit Schedule	DA-2001	07.03.2022	6	SJB
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Note: In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

- 1.2. The Acoustic Report submitted in support of this application prepared by J.H.A. Services Pty Ltd, report number 190231 Rev A, dated 25 May 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.3. The Access Report submitted in support of this application prepared by Vista Access Architects and all the recommendations stated within the report, form part of the development consent.
- 1.4. The BCA Assessment Report submitted in support of this application prepared by J.H.A. BCA Logic, reference number 113162-BCA-r2, dated 26 May 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.5. The Geotechnical Assessment Report submitted in support of this application prepared by eiaustralia, Rev 1, dated 17 May 2021 and all the recommendations stated within the report, form part of the development consent.
- 1.6. The new internal road, including footpaths, shall be covered by an easement to permit access by Council and public pedestrians and be maintained by private ownership for the longevity of the development.
- 1.7. 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).
- 1.8. 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.
- 1.9. The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 1.10. Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

1.11. The Response to RFI prepared by Bernard Lo from the Transport and Traffic Planning Associates dated 14 April 2022 (Ref: 21308) regarding Updated Traffic Management Plan for the control of the traffic light system of any heavy rigid vehicle (HRV) for both interim conditions for one site developed and final road conditions when both sites identified in the site specific DCP are developed is to be implemented throughout the ongoing use of the development

1.12. 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.

1.13. Approval is granted for the removal of the following trees:

- Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;
- Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- Any tree species listed under clause 3.4 of Canterbury Development Control Plan 2012 Part B3 – Tree Management Order;
- Any of the following tree/s:
2,4,71,73,74,48,49,56,57,58,59,60,61,62,72,77,78,70,75,83,84,85 As per (Arboricultural Impact Assessment, Date: 5/5/2021, By: Naturally Trees)

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

All other vegetation not specifically identified above, and protected by 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.

1.14. Approval is granted for the removal of the following trees: T51, T55, as per (Arboricultural Impact Assessment, Date: 5/5/2021, By: Naturally Trees).

The tree removal works are subject to the following conditions:

- (a) All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- (b) The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;

- (c) The tree removal work shall comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and the Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016);
- (d) The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- (e) All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- (f) The site must be maintained in a safe condition at all times;
- (g) Appropriate hazard signage to be in place at all times during the tree works.

All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning

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

- 2.1. Development Contributions of \$2,308,501.12 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	\$208,807.34
Plan administration	\$58,729.06
Open Space	\$2,040,964.72

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. 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.

- 2.3. The Landscape design is to be amended to coordinate with the amended Architectural plans whilst maintaining the design intent and integrity of the original design including planting densities and sizes. An amended landscape plan to address this issue is to be submitted to the certifier prior to the issue of the Construction Certificate. The amended plan must include:
- (a) The landscape plan is to be amended to show the both interim and full configuration of the New Road (traffic lanes, parking spaces, medium and large trees, verge (s) and pedestrian footpaths.
 - (b) The design proposes a number of culinary/edible and fruiting trees to be planted in the communal areas. The design is to provide a Maintenance Schedule including:
 - Replacement strategy for failures in plant materials and built works,
 - Maintenance schedule for watering, weeding and fertilizing during the establishment period
 - A maintenance period of a minimum of 12 months.
 - The plan for caring, picking fruits, cleaning after falling fruits also managing trees when/if pesticides are applied. etc.
- 2.4. An AQF Level 5 Registered Arborist must be engaged as a **Project Arborist**. Contact details of this project arborist are to be forwarded to council and the consenting authority prior to the issue of Construction Certificate.

A project arborist is to be employed by the applicant to carry out the following:

- Carry out the protection of the trees to be retained during demolition and construction in accordance with all recommendations, advise and guidelines provided in the Arboricultural Assessment report (prepared by Naturally Trees Rev (A) dated 5 May 2021 by Andrew Scales and submitted to council on the 25th June 2021).
- Establishment of the tree protection zones and erection of fencing and signage as per the above-mentioned requirements.
- Removal of the lowest limbs containing a structural fault and any associated pruning works to correct any previous pruning.
- Provision of a modified tree protection plan (showing amended driveway design and new TPZ as per the modified plans) to applicant and all site personnel to ensure that the plan is on site prior to any works commencing.
- Attendance on site regularly in accordance with section 5.4.1 of AS 4970 -2009. Particularly, during the construction of the proposed driveways and the fences.
- It should be noted that the design of the front fence needs to be designed to use discontinuous footings in order to protect the existing tree roots from excavation. No strip foundations should be proposed.

No roots greater than 25mm to be cut or damaged. Further detail of the front fence design is to be provided to the principle certifying authority.

- Any roots greater than 25mm in diameter that is exposed within 1m of the TPZ must be cleanly cut and kept moist.
- Any remedial works that might be required for the tree, should these conditions and the tree protection plan have not to be complied with.
- Provide a final assessment of the tree condition, details of any works conducted to the tree and provision of certification that the tree protection works have been carried out in accordance with the requirements listed above at minimum as set out in Section 5.5.2 of AS 4970-2009. This certification is to be provided to the principle certifying authority and council at practical completion.

- 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, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 5577), 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. 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.
- 2.7. A photographic survey must be prepared of the adjoining properties at 173-187 Milton Street and 31-11B Trevenar Street, Ashbury, Campsie detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury Bankstown Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury Bankstown Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
- 2.8. A dilapidation report prepared by an accredited engineer, detailing the structural adequacy of the adjoining properties at 173-187 Milton Street and 31-11B Trevenar Street, Ashbury and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be

submitted to Council, or the Principal Certifying Authority prior to the issue of a Construction Certificate. All costs to be borne by the applicant

- 2.9. Further geotechnical investigation and inputs must be carried out with the geotechnical Assessment Report requirements reference E24185.G02_Rev1 dated 17/05/2021 prepared by EI Australia prior to the final structural design and issue of a Construction Certificate.

The geotechnical inspections should be carried out during construction to confirm the geotechnical and groundwater models, and the design parameters provided in the above geotechnical Assessment Report.

- 2.10. The Construction Certificate plans must demonstrate full compliance with the requirements of the BCA Assessment report reference No. 113162-BCA-r2 prepared by BCA LOGIC revision '2' dated 26/05/2021, and the requirements of the Access Report reference No. 21079 Issue B dated 25/05/2021 prepared by Vista Access Architects Pty Ltd, and the requirements of the Acoustic report project No. 190231 revision A dated 25/05/2021 prepared by JHA Services.

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.

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

- 2.11. The development is to be carried out in accordance with the Deemed-To-Satisfy (DTS) requirements of Section J of the Building Code of Australia BCA, Energy efficiency. A report covering compliance of the development with the relevant provisions contained in Section J must be provided in full for approval with the Construction Certificate, and to be reflected in the construction certificate plans and specifications.
- 2.12. The development is to be carried out in accordance with the commitments shown in the BASIX Certificate number 1182106M dated 28 May 2021 and the NatHERS Certificate No. 006059150 prepared by Lawrence Yu for JHA Consulting Engineers, the BASIX and NatHERS commitments approved with the development application are to be reflected in the construction certificate plans and specifications.
- 2.13. 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.
- 2.14. After completion of remediation works in the Remediation Action Plan Reference No. E24185.E06_Rev0 dated 03/05/2019 prepared by Coronation Property Co. Pty Ltd, a validation report must be prepared by an appropriately qualified environmental consultant, outlining that the required

remediation has been completed. This report must comply with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites and is to be submitted to Council.

The validation report must be reviewed by an EPA accredited site auditor who shall provide Council with a copy of the site audit report and site audit statement. The site audit statement must indicate that the site has been remediated to the level required for the proposed use. Any construction certificate shall not be issued until these requirements have been satisfied.

2.15. Before the issue of a construction certificate or, the person having benefit of this Determination Notice is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- a. Council's development control plan,
- b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The person having benefit of this Determination Notice must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

2.16. 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

2.17. 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.

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

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

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

- 2.19. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.
- 2.20. Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to and accepted by Council's City Assets Department for the proposed new road prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A road layout plan shall be drawn at a scale of 1:200 and shall indicate all elements that interrelate with the road design. These elements would be drainage structures, utility services, vegetation, TPZ, traffic facilities, and other relevant features.
- b) A road design detail plan shall be drawn at a scale of 1:100 or 1:200 and shall indicate all elements that interrelate with the road design. These elements would be drainage structures, traffic facilities etc.
- c) All elements of the road, footpaths and traffic facilities shall be constructed with reference to Council standard drawings, located at www.cbccity.nsw.gov.au/development/planning-control-policies/council-standard-drawings
- d) A road longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall locations of associated drainage structures. The section shall indicate grade, location of vertical curves, crests and sags.
- e) The road design shall be generally in accordance with the Proposed Final New Access Road Layout, project 2626-DA drawing no CIV-010-012, 020 dates prepared by Mance Arraj Civil and Structural Engineers dated 1 March 2022
- f) The road pavement shall incorporate an asphaltic wearing course on a combination of asphaltic and granular base and subbase. The design of the pavement shall be to an approved traffic loading and shall be to the satisfaction of Council. Alternative pavement can be considered

- g) The road layout shall be designed to accommodate the passage of design vehicles, including HRV, in accordance with Australian Standards and Council requirements.
- h) A traffic report, including swept path plans, shall be provided to confirm the viability of the street layout, in reference to the passage of the design vehicles.
- i) A traffic access report shall be provided to Council outlining the access conditions into the site and indicate required changes to Milton Street to facilitate the access to the site. Note that changes to the parking and traffic conditions on Milton Street will need to be presented to the Local Traffic Committee for consideration and approval.
- j) The street lighting shall be designed in accordance with AS 1158. The location of the Street Lighting infrastructure, including the low volt kiosks shall be indicated on a detail plan. The design shall be submitted to Council for approval to determine that footpath access is not compromised by lighting infrastructure.
- k) Plans shall be provided and approved for both interim (road contained on one site only) and the final arrangement (road contained on both north, 149-163 Milton Street, and south, 165-171 Milton Street, sites).
- l) A Operations Transport Management plan shall be supplied and approved by Council prior to the issue of a construction certificate. The infrastructure required for the function of the OTMP shall be included in the civil design drawings.

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

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

- a) A Intersection works with Milton Road, including kerb returns, pram ramps.
- b) Reconstruction of footpath, and kerb and gutter fronting the site frontage on Milton Road.
- c) Stormwater connection through Council trunk pipe located at the rear of the site, and stormwater pipe extension as detailed in drawing number SW031 dated 09.11.2021 revision B prepared by Mance ARRAJ civil and structural engineers.
- d) Removal of all redundant driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,
- e) Repair of any damage to the public road including the footway occurring during building works, and
- f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 2.23. 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.
- 2.24. The construction certificate road design access from Milton street shall be coordinated with the adjacent site road design access. All levels at the boundary shall also be coordinated to allow for a uniform road alignment and cross falls.
- 2.25. 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.
- 2.26. The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit are to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 2.27. 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.
- 2.28. 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.

2.29. 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.

2.30. A plan of management detailing the ownership, management, maintenance and public liability arrangements relating to the road reserve is to be prepared to the satisfaction of Council prior to the lodgement of a Construction Certificate.

2.31. 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 No.	Revision	Date	Prepared By
SW001	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW010	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW020	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW030	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW031	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW032	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW033	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers
SW040	Revision C	09.11.2021	Mance Arraj Civil & Structural Engineers

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

- a) The OSD tank shall be designed to include an overflow to cater for the 1% AEP flows, and be directed to Council Trunk drainage system.
- b) All surface water including basement pump out drainage shall be directed to the OSD tank. Except areas that are designed to bypass the OSD system due to low levels

2.32. Prior to the issue of construction certificate, the applicant shall collaborate with Council in the approval process for the proposed groundwater collection system described on stormwater drawings prepared by Mance Arraj Civil & Structural Engineers.

2.33. 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.

2.34. 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.

2.35. 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.

2.36. 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.

2.37. 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.

2.38. Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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This plan shall include details of the following:

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

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

The applicant shall nominate the routes for approval by Council prior to commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

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

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

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

- 2.39. 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.

- 2.40. The Applicant is required to submit to Council the manufacturer's specifications, design and operation of the 'traffic signal system' facility to be installed as part of the Interim and Long Term Traffic management Strategy, as described in the Response to RFI prepared by Bernard Lo from the Transport and Traffic Planning Associates dated 14 April 2022 (Ref: 21308). This shall be illustrated on the plan to be submitted with the construction certificate application. The Applicant / Owner shall be responsible for the installation, operation and maintenance of the 'traffic signal' facility at no cost to Council.
- 2.41. Sight triangle is to be marked on the Overall Plan - Ground Floor (Dwg No. DA-1010 – Rev 7- dated 12/04/2022) and provided on the exit side driveway, in accordance with *AS 2890.1:2004 Figure 3.3 – Minimum Sight Lines for Pedestrian Safety*. A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.
- 2.42. Sight distance for vehicles exiting the site access road with Milton Street intersection shall comply with Figures 3.2 of AS 2890.1:2004. This shall be illustrated on plans submitted with the construction certificate.
- 2.43. The Applicant is to submit a written application to Council–council@cbciry.nsw.gov.au (Attention: Traffic and Transport Services) regarding the proposed "No Stopping" zone restrictions along the site access road prior to the issue of the construction certificate, so that a report can be prepared and referred to the Traffic Committee for consideration at its next available meeting. All costs associated with the supply and installation of the appropriate signs are to be paid for by the Applicant prior to Traffic Committee consideration.
- 2.44. The Applicant is to submit a signage plan showing the appropriate signs to be installed with dimensions / distances marked on the plan and superimposed on the aerial photograph. The final signage plan is to be referred to Council's Design Section so that the cost of the works can be determined accordingly.

- 2.45. Vehicular access into and out of the site is provided via a proposed internal site access road driveway on the northern end of the property boundary off Milton Street. the design of the driveway shall comply with Council's VFC Policy and Standard Drawing S-004. The driveway (8.2 metres wide) is to be positioned at 90 degrees to the property boundary.
- 2.46. A 'No Right-Turn - Waste Services Vehicles Excepted' ban restricting vehicles to turn right into the site access road is to be installed, subject to Traffic Committee approval processes. The Applicant is to be required to submit a Traffic Management Plan (TMP) for the proposed 'No Right-Turn - Waste Services Vehicles Excepted' and should include signage plan to be referred to Traffic Committee for consideration. Note that Council's Waste Services Team Leader Resource Recovery and Major Projects Waste is to confirm that Waste Services vehicles (ingress and egress into and out site) have been considered.
- 2.47. The driveway and access ramp gradients must comply with AS 2890.1:2004 and AS 2890.2:2018. A height clearance of at least 4.5m (clear of any utilities or down pipes) is to be provided for the entire pathway of the HRV waste vehicles within the development. This is to ensure that there are no accessibility issues by HRV waste services truck and other delivery vehicles. This shall be shown and marked on plans submitted prior to issue of a Construction Certificate.
- 2.48. The final road configuration civil and landscape plan for the completed final form of the road for that part of the road on the applicant's site, identified in the site specific DCP, shall be provided to Council and approved prior to the issue of a construction certificate
- 2.49. A Site Access Traffic report shall be prepared by a suitably qualified consultant incorporating traffic modelling of this new intersection (Site Road and Milton Street) and the relevant trip generation. This report is to address the access geometry of the new road/Milton Street interface and provide conclusions and associated plans for the treatment of this intersection. This report shall be forwarded to Council and will be considered in association with the approval of the Final Civil and Landscape plans as required by the above condition.
- 2.50. If Works Zone is required, the applicant shall apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone, 8 weeks in advance prior to commencement of construction, including payment of the relevant fees and charges. This is subject to recommendation by the Traffic Committee and must be approved and paid for prior to issue of a Construction Certificate.
- 2.51. As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, Council requires the person having benefit of this Determination Notice to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit prior to issue of any construction certificate for this development

being issued where one or more of the following will occur, within, on or over the public footway or public road:

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WORKS REQUIRING A 'WORKS PERMIT'

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

The person having benefit of this Determination Notice shall construct all works approved within the public road and footway under the supervision and to the satisfaction of Council and shall arrange for necessary inspections by Council whilst the work is in progress.

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

2.52. Prior to demolition, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type "A" inspection body accredited by NATA. All recommendations contained within this 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.

2.53. Finished surface levels of all internal works, including driveways, landscaping and drainage structures, must be shown on relevant Construction Certificate plans.

2.54. Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:

- i. The approved Remedial Action Plan, prepared by EI Australia Pty Ltd, titled Remedial Action Plan, dated 3 May 2019, reference E24185.E06_Rev0;
- ii. State Environmental Planning Policy No. 55 - Remediation of Land;
- iii. The guidelines in force under the Contamination Land Management Act 1997; and
- iv. The conditions within the Site Audit Statement prepared by the NSW EPA Accredited Site Auditor, Tim Chambers, titled Site Audit Statement, dated 12 October 2017, reference TNC118.
- v. And any recommendations contained within the report titled Contaminated Site Audit, prepared by Arcadis Pty Ltd, dated 8 May 2019, report reference 10031134SAR.

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

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

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

The validation report must be prepared in accordance with:

- i. 'State Environmental Planning Guideline (SEPP) 55 – Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
- ii. Relevant EPA Guidelines, noting the 'Guidelines for Consultants Reporting of Contaminated Land 2020 and
- iii. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

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

The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan, prepared by E.I. Australia Pty. Ltd. dated 3 May 2019, report reference E24185.E06_Rev0

2.56. The Certifier must not issue any Construction Certificate (CC) for any stage of the approved development unless provided with detailed plans that form part of the CC for the bin storage rooms one through to eight plus the bin holding room and turntable area, identified on DA-1008 'Overall Plan – Basement' that complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements:

- (a) Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- (b) The floors must be finished so that is non-slip and has a smooth and even surface.
- (c) The room is to be integrated within the building, a minimum 2.7m unobstructed room height is required in accordance with the Building Code of Australia;
- (d) The walls must be constructed of solid impervious material.
- (e) The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- (f) Walls, ceiling and floors must be finished in a light colour.
- (g) Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- (h) A self-closing door openable from within the room.
- (i) Must be constructed to prevent the entry of birds and vermin.
- (j) Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- (k) Any doorways must be 2m wide.

Room	Minimum Size
A	18m ²
B	16m ²
C1	14m ²
C2	18m ²
D	16m ²
E1	14m ²
E2	18m ²
Loading Dock	294m ²
Bin holding room	53m ²

2.57. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans that form part of the CC which identify that the bin carting route from the communal bin storage rooms (A, B ,C1, C2, D, E1, E2) identified on DA-1008 'Overall Plan – Basement' to the waste collection loading dock identified on Plan No DA-1008 complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements:

- (a) Minimum 2m wide hard surface;
- (b) Non-slip, free from obstacles and steps;
- (c) A maximum grade of 1:20 (2%);
- (d) Bin tug to be provided

2.58. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans that form part of the CC for the loading dock , bin hoist and turntable on Plan No. DA-1008 'Overall Plan – Basement' that complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements:

- (a) Shall be 13m diameter with a clearance envelope of minimum 13.6m
- (b) Include a laser safety system to shut down operation of the table, should the laser line be broken
- (c) Include two drive motors
- (d) Includes a manual override winch system to operate should the motors fail
- (e) Be designed to accommodate Heavy Rigid Vehicle as per AS2890.2-2004 including weight of 30T and height clearance of 4.5m
- (f) 3yr maintenance plan

2.59. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans that form part of the CC for the bulky waste storage rooms identified on Plan No. DA-1008 'Overall Plan – Basement' that complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements:

- (a) Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- (b) The floors must be finished so that is non-slip and has a smooth and even surface.
- (c) The walls must be constructed of solid impervious material.
- (d) The room is to be integrated within the building, a minimum 2.7m unobstructed room height is required in accordance with the Building Code of Australia;
- (e) 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 and of rollerdoor style.

Building/ Room	Minimum Size
A	6m ²
B	9m ²
C1	7m ²
C2	17m ²
D	10m ²
E1	9m ²
E2	10m ²

2.60. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" insofar as recycling cupboards are concerned for building A,

B, C, D and E, including, without limiting the foregoing, compliance with the following requirements:

- (a) Maximum distance of 30m from all dwellings;
- (b) Access is to be in accordance with AS 1428 (Set) - 2003: Design for access and mobility;
- (c) Located directly adjacent to the chute hopper and contain only 2x 240L recycling bins;
- (d) Designed to fit 2*240L bins facing forward;
- (e) Designed so the doors are of sufficient width to allow the transfer/rotation of 240L bins; and
- (f) The floor is to be constructed of a durable and impervious material with a smooth finish.

2.61. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC for the supplementary recycling room identified on Plan No. DA-1008 'Overall Plan – Basement' that complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements:

- (a) 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) Must be constructed to prevent the entry of birds and vermin.
- (i) Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- (j) Any doorways must be 2m wide and of roller door design.
- (k) Designed to a minimum size of 9m².

2.62. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans, certified by a traffic engineer, that form part of the CC for the waste collection area identified on Plan No. DA-1008 'Overall Plan Basement' that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements for route of travel, including all entrance/exit, internal driveways, cross over, entry/ egress points, vehicle ramps, loading docks

and basement, has been designed in accordance with AS2890.2-2004 for a Heavy Rigid Vehicle:

- (a) 30 tonne waste collection vehicles
- (b) Length of 12 metres
- (c) Clearance height of 4.5 metres with no obstructions
- (d) Minimum width of 3.5m
- (e) Waste collection vehicle can access the basement, adequately manoeuvre into position, load bins and exit the basement in a forward position;
- (f) The gradient is to be suitable for a Heavy Rigid Vehicle as per AS2890.2-2004.
- (g) Detailed Loading dock management plan, specifications and other relevant information showing that the turntable identified on plan No. DA-1008 'Overall Plan – Basement':
 - Complies with required dimensions for an HRV as per AS2890.2, including the diameter for the turntable and required clearance heights;
 - Will always be available to waste collection vehicles; and
 - Will be installed, operated, and serviced on an ongoing basis, at no cost to Council.
 - Intended to have a minimum three years maintenance plan prepaid for by the developer

2.63. The development site must be capable of being serviced for waste collection, prior to the completion of the adjoining site road network. The Certifier must not issue any Construction Certificate for any stage of the approved development unless provided with detailed plans, certified by a traffic engineer, that form part of the CC for the waste collection area identified on Plan No. DA-1008 'Overall Plan – Basement' that complies with the requirements of the Council's "*Waste Management Guide for New Developments*" including, without limiting the foregoing, compliance with the following requirements for route of travel, including all entrance/exit, internal driveways, cross over, entry/ egress points, vehicle ramps, which confirm that:

- (a) Waste collection vehicles can enter and exit the development site in a forward direction without the need for reversing.
- (b) Turning circles and manoeuvring areas can accommodate a Heavy Rigid Vehicle in accordance with AS2890.2-2004.
- (c) Roads and manoeuvring areas have been designed in accordance with AS2890.2-2004 .
- (d) Road signage details.

2.64. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC that comply with the requirements of the Council's "*Waste Management Guide for New Developments*" insofar as waste chutes are concerned including, without limiting the foregoing, compliance with the following requirements:

- (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
- (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors
- (c) Chutes must terminate in the waste storage room and discharge into a 1100L waste bin
- (d) Chute discharge point is to allow 100L bin height (1500mm) under
- (e) Comply with manufactures technical specifications and operational limitations
- (f) Be related to a two *1100L bin linear

2.65. The Certifier must not issue any Construction Certificate unless provided with detailed plans that form part of the CC that comply with the requirements. The development site must be capable of being serviced for waste collection, prior to the completion of the adjoining site road network. A design certificate and detailed plans, certified by a traffic engineer, are to accompany the CC application, which confirm that:

- (a) Waste collection vehicles can enter and exit the development site in a forward direction without the need for reversing
- (b) Turning circles and manoeuvring areas can accommodate a Heavy Rigid Vehicle in accordance with AS2890.2-2004
- (c) Roads and manoeuvring areas have been designed in accordance with AS2890.2-2004
- (d) Road signage details

3. Conditions to be Satisfied Before Construction.

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

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

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

- a. the principal certifier has, no later than 2 days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of his or her appointment as the principal certifier,
- b. the principal certifier has, no later than 2 days before the building work commences, notified the person having the benefit of this

- Determination Notice of any inspections that are required to be carried out in respect of the building work,
- c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
 - d. the person having the benefit of this Determination Notice, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involve, and
 - ii. notified the principal certifier of the appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
 - e. the person having the benefit of this Determination Notice has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.
- 3.2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 3.3. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- a. In the case of work for which a principal contractor is required to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. In the case of work to be done by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- 3.4. Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

- 3.5. The pruning or removal of trees on adjoining properties for the provision of building clearances, provide access or allow construction is to be carried out only with the written agreement of the trees owner.
- 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. 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:

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

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.

- 3.10. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 3.11. 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.

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

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

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

4. Conditions to be Satisfied During Construction.

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

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

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

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

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

- 4.6. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
- a. All footings/ foundations
 - b. At other stages of construction – any marks that are required by the principal certifier.
- 4.7. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 4.8. 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.
- 4.9. 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.
- 4.10. 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.
- 4.11. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- a. Protect and support the building, structure or work from possible damage from the excavation, and
 - b. Where necessary, underpin the building, structure or work to prevent any such damage.

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

- 4.12. 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.
- 4.13. 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.
- 4.14. 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.
- 4.15. Any excavation works carried out on site should be closely monitored to ensure no signs of potential acid sulfate soil or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site must be stopped, and Council is to be notified immediately. A suitably qualified environmental consultant must be contracted to further assess the site.
- 4.16. In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

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

- 4.17. All 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.

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

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

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

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

A notice containing the words "Young Children Should be Supervised When Using this Swimming Pool" and "Pool Gates Must Be Kept Closed At All Times" and "Keep Articles, Objects and Structures At Least 900 Millimetres Clear Of The Pool Fence At All Times" together with a simple flow sequence containing details of resuscitation techniques must be displayed in a prominent position in the immediate vicinity of the pool.

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

- 4.20. The proposed use of the pool filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.

- 4.21. The pool must not be filled with water or allowed to accumulate rain or other water until a satisfactory fence barrier inspection is carried out by the

Principal Certifying Authority. Failure to meet this requirement may result in institution of legal proceedings against the builder or owner.

4.22. 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

4.23. At completion of basement level, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval and Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.

No work may be carried out to construct the ground floor slab unless the Certifier is satisfied and provides evidence to Council of that satisfaction that the waste facilities within the basement comply with the requirements of conditions relating to waste vehicle access and waste bins.

- 4.24. The Certifier must ensure detailed plans that form part of the CC that comply with the requirements of a traffic management plan and loading lock management plan that are generally in accordance with Transport and Traffic Planning Associate (TTPG) documents dated 14 April reference number 21308.
- 4.25. The applicant shall ensure full compliance with all the recommendations numbered in Section 4 in the Arborist Report prepared by Andrew Scales dated 5/5/2021, which was submitted to Council as part of this application.
- 4.26. All site and neighbouring trees impacted by the demolition, construction and development of the site must be retained and protected in accordance with all aspects and requirements for the protection of these Trees as stated in the Australian Standard 2009, AS 4970-2009 Protection of Trees on Development Sites and to allow for the healthy ongoing life of these trees.

The tree protection zone (TPZ) of 2m must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319 and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.

The required excavation work that falls within the TPZ of the tree must use methods which allow the root system of the tree to remain preserved and intact such as **hand digging methods**.

5. Conditions to be Satisfied Before Occupation.

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

- 5.4. 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.

- 5.5. 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.

- 5.6. Prior to the issue of occupation certificate, a right of way easement shall be created over the new constructed roadway to benefit the adjacent 149-163 Milton Street, Ashbury.

- 5.7. 264 off street car spaces being provided in accordance with the submitted plans.

This shall comprise:

- 229 residential spaces
- 28 residential visitor spaces

25 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.

- 5.8. 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.
- 5.9. 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.
- 5.10. 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.
- 5.11. 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.
- 5.12. 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.
- 5.13. 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.
- 5.14. Any consolidation of allotments must be registered by NSW Land Registry Services prior to the issue of an occupation certificate.
- 5.15. Any redundant driveway along Milton Street frontage of the development site to be removed and reinstated with kerb and gutter and verge to match with remaining at the Applicant's cost.
- 5.16. The footpath is to be reconstructed along Milton Street frontage and on the future internal site access road of the development site at the Applicant's cost.

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

No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent.

- 5.18. 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.

- 5.19. 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 the nominated waste collection vehicle in accordance with the Waste Management Guide for New Developments. Specifically:

- (a) the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with HRV specification in AS2890.2-2004.
- (b) Waste collection vehicles can enter and exit the development site in a forward direction without the need for reversing
- (c) Turning circles, turntables and manoeuvring areas can accommodate a Heavy Rigid Vehicle
- (d) Roads and manoeuvring areas have been designed in accordance with AS2890.2-2004 for a HRV
- (e) A Site operational traffic management plans shall be provided, and Road signage is as specified and in place as per Site operational traffic management plan and Loading dock management plan.

At a minimum it shall include the following Traffic Management Equipment for the internal road shall include:

- 5 x Signal from the intersection of Milton street to mouth of the driveway
- 1x stop/go light
- Detection devices (i.e., induction loop, laser or other detection mechanism

At a minimum it shall include the following traffic management equipment for the driveway to the loading dock:

- 3x stop go light systems
- Stop line
- 1x infrared detection device

5.20. The proponent commits to liaising with its northern neighbour to formulate a mutually acceptable long term traffic management strategy. Should it be that the long-term strategy triggers a need to modify the interim arrangement, the developers will undertake these works at their own costs to Council's satisfaction.

5.21. Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

5.22. Prior to the issue of an Occupation Certificate or any Subdivision Certificate, a Restriction on the Use of the Land and Positive Covenant shall be registered on the title of the subject property, in accordance with the provisions of the Conveyancing Act 1919, to permit access by Council and the public but remain in private ownership.

5.23. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s) at 173-187 Milton Street and 31-11B Trevenar Street, Ashbury:

6. Conditions of On-going Use.

- 6.1. The approved WMP is to be implemented throughout the ongoing use of the development.
- 6.2. The development must operate in full compliance with Council's Waste Management collection requirements.
- 6.3. The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is always to be kept clear of obstructions so not to restrict the collection of waste and recycling bins.

Council Waste Management Vehicles shall always have unimpeded and priority access.

- 6.4. The turntable approved under this consent must be maintained in a fully operational state at all times. No occupation certificate must be issued until such time as written confirmation is provided by Council that a public positive covenant under section 88E of the *Conveyancing Act 1919* that reflects the requirements of this condition and is otherwise on terms satisfactory to Council has been registered on the title to the Property.
- 6.5. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 6.6. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
- 6.7. Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated. Contingency plan to be detailed in the Waste Management Plan and the loading dock plan.
- 6.8. The Loading Dock Management is to be in accordance with the following:
 - (a) The approved Loading Dock Management plan is to be implemented throughout the ongoing use of the development.
 - (b) Council waste Management vehicles shall always have unimpeded and priority access.
 - (c) Appropriate documentation shall be provided by the developer to show it has entered into a three year loading dock maintenance agreement at its own cost.

For further information regarding this notice **DA-512/2021** please contact Kaitlin McCaffery in Development on 9707 9060.

Yours faithfully,



Kaitlin McCaffery
SENIOR PLANNER

end

SCHEDULE 2 – REASONS

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

SCHEDULE 3 - NOTES

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

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

Damage to Telstra's infrastructure may result in interruption to the provision of 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.