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

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| --- | --- | --- | --- | --- |
| **Plan No.** | **Plan Name** | **Date** | **Rev.** | **Prepared By** |
| DA1100 | Proposed Site Plan | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA2000 | Basement | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA2001 | Ground Floor | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA2002 | First Floor | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA2003 | Level 2 | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA2004 | Level 3 | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA2005 | Roof | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA3001 | Elevations – Sheet 1 | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA3002 | Elevations – Sheet 2 | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA3100 | Building Sections | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA3110 | Sections | 14.12.2021 | B | Group GSA Pty. Ltd. |
| DA8300 | External Finishes | 14.12.2021 | B | Group GSA Pty. Ltd. |
| 180610 L-2001 | Landscape Plan | 14/12/2021 | E | Group GSA Pty. Ltd. |
| 180610 L-5000 | Planting Schedule | 14/12/2021 | E | Group GSA Pty. Ltd. |
| 180610 L-5001 | Planting Plan | 14/12/2021 | E | Group GSA Pty. Ltd. |
| 180610 L-7001 | Typical Details Paving, Softworks and Wall | 14/12/2021 | D | Group GSA Pty. Ltd. |
| 180610 L-7002 | Typical Detail Fencing | 14/12/2021 | B | Group GSA Pty. Ltd. |
| 180610 L-7002 | Typical Detail Fencing | 14/12/2021 | C | Group GSA Pty. Ltd. |

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| **Document No.** | **Document Name** | **Date** | **Rev.** | **Prepared By** |
| - | Plan of Management | July 2021 | - | NSW Land and Housing Corporation |
| REF-21142 | Waste Management Plan | July 2021 | - | Dickens Solutions Pty. Ltd. |
| - | Flood Impact Assessment Report | 12 July 2021 | - | Michael Ell Consulting Engineers |
| Ref: 20105 | Traffic and Parking Assessment | July 2021 | D | Transport and Traffic Planning Associates |
| Project ID 20200765.3 | ‘*LAHC Chester Hill, DA Acoustic Assessment*’ | 30/06/2021 | 1 | Acoustic Logic |
| Project #10336 | Access Compliance Assessment Report | 16/06/2021 | 2.0 | AED Group |
| - | Arboricultural Impact Assessment Report | June 2021 | - | Earthscape Horticultural Services |

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

* 1. Before construction works commence, the Crown Certifier must ensure the approved construction plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.
		1. The Plan of Management is to include the following:
			1. Access to the car park is to be managed by key FOB or intercom at all points of access (vehicle and pedestrian entry) to ensure access is restricted to tenants with allocated car parking or bicycle parking.
			2. Rules and expectations for the common area is included within the welcome kit and is also made clear in signage. Details of how tenants can raise a complaint or how neighbour disputes are managed should also be included within the welcome kit.
			3. Mailboxes are to be secured with individual locks and any damage is reported and repaired as soon as possible. Tenants should also be advised to collect mail and parcels as soon as possible after delivery to prevent mail theft.
		2. A shade structure is to be included within landscape and architectural plans within the rear communal open space, with a minimum area of 16m2, designed to provide sun shading and rain protection for users of the open space. The base of the proposed shade structure should not impede the overland flow path of stormwater.
		3. All downpipes are to be integrated into the overall façade design.
		4. All primary balconies and terraces are to be provided with water outlets.
	2. Any screening required to achieve/maintain railway corridor safety and acoustic privacy shall be designed with materials to maximise transparency and useability of the space, such as glazed louvers or equivalent, but must not compromise the usability of the space or ability to achieve natural light and ventilation. The design and selection of the materials must not compromise safety of future occupants, and where possible the screening is to be operable.
	3. A substation has not been approved. Further Council approval is required prior to the installation of any substation for the development.
	4. All hydrants, boosters and other services must be contained within cabinets as shown on the approved plans. Separate approval is required for any services outside of the cabinets and not authorised through this Development Consent.
	5. The plans must demonstrate that the proposal meets the requirement that Universal Design Principles are utilised in 20% of the apartments within the development. All Construction documentation must demonstrate compliance with this requirement.
	6. The deep soil areas located in the front, rear and eastern setback must be retained as deep soil and landscaping for the lifetime of the development. No encroachments of any structure are permitted within these areas and provision of services in these areas must be avoided where possible however where necessary encroachment minimised.
	7. Separate approval must be sought (where required) under the relevant Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may require separate approval under the Regulations. Therefore, it is advisable that approval to operate equipment (i.e. cranes) be obtained prior to any commitment to construct.
1. **Conditions Imposed by Transport for New South Wales (Sydney Trains).**
	1. Prior to the issue of Crown certification, the person with the benefit of this Determination Notice shall prepare and provide to Sydney Trains for review, comment and written endorsement the following final version items in compliance with the relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
2. Geotechnical and Structural report/drawings that meet Sydney Trains’ requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
3. Construction methodology with construction details pertaining to structural support during excavation. The person with the benefit of this Determination Notice is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
4. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
5. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains’ easement and rail corridor land.
6. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
7. If required by Sydney Trains, a Monitoring Plan. Crown certification is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
	1. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
	2. During all stages of the development the person with the benefit of this Determination Notice must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the person with the benefit of this Determination Notice.
	3. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
	4. The person with the benefit of this Determination Notice must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
	5. The person with the benefit of this Determination Notice is to ensure that any fencing adjoining the rail corridor incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
	6. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
	7. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the person with the benefit of this Determination Notice will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
	8. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the person with the benefit of this Determination Notice. Crown certification is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
	9. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. Crown certification is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
	10. The Crown must ensure that the recommendations of the acoustic assessment report referred to in Condition 1.1 are incorporated in the construction drawings and documentation prior to the issuing of the any Crown certification.
	11. Prior to the issue of crown certification, the person with the benefit of this Determination Notice is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The person with the benefit of this Determination Notice must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Crown and Council. The Crown must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the any Crown certification.
	12. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity, and illumination to the satisfaction of the rail operator. In addition, any signage visible from the Rail Corridor shall not incorporate any green, red or amber colours. Crown certification is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
	13. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. Crown certification is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
	14. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No Crown certification can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
	15. Prior to the issue of Crown certification, the person with the benefit of this Determination Notice must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains’ requirements. If required by Sydney Trains, the person with the benefit of this Determination Notice must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains’ requirements. Crown certification is not to be issued until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
	16. If required, prior to the issue of Crown certification the person with the benefit of this Determination Notice is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The person with the benefit of this Determination Notice is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to the issue of Crown certification, the Crown must witness written proof of this insurance in conjunction with Sydney Trains’ written advice to the person with the benefit of this Determination Notice on the level of insurance required.
	17. If required, prior to the issue of Crown certification the person with the benefit of this Determination Notice is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issue of Crown certification, the Crown must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
	18. If required by Sydney Trains, prior to the issue of Crown certification a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. Crown certification is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
	19. Prior to the commencement of Occupation, a report must be prepared and submitted to the Crown, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure’s Development Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines” as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
	20. The development shall have appropriate fencing that is designed and constructed in accordance with the requirements of this Determination Notice where it is within a flowpath/floodway and be fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to commencement of Occupation, the person with the benefit of this Determination Notice shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
	21. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
	22. The person with the benefit of this Determination Notice must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
		1. oversees the carrying out of the person with the benefit of this Determination Notice’s obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
		2. acts as the authorised representative of the person with the benefit of this Determination Notice; and
		3. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the person with the benefit of this Determination Notice.
	23. Without in any way limiting the operation of any other condition of this consent, the person with the benefit of this Determination Notice must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
	24. Where a condition of consent requires consultation with Sydney Trains, the person with the benefit of this Determination Notice shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface and they can be contacted via email on West\_Interface@transport.nsw.gov.au.
	25. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Crown certification or commencement of Occupation.
	26. Any conditions issued as part of Sydney Trains’ approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the person with the benefit of this Determination Notice is required to comply with.
	27. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Crown is not to issue a Crown certification or commence Occupation, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged certification dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
8. **Conditions to be Satisfied Before Construction Works.**
	1. Development Contributions of **$186,681.00** must be paid for this development before the commencement of construction works. The contributions are levied under Bankstown Development Contributions Plan 2019 and Section 7.11 of the *Environmental Planning and Assessment Act 1979*.The contributions will be used to provide, extend or augment public amenities or public services required due to additional demand for these facilities created by the new development. The development contribution will be allocated to the following purposes under the contributions plan:

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| --- | --- |
| Roads and Traffic | $22,512.00 |
| Community Facilities | $13,909.00 |
| Drainage and storm water management | $31,164.00 |
| Plan administration | $1,670.00 |
| Open Space | $117,426.00 |

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

No construction is to commence until payment of development contributions. The contribution must be paid to Council before any construction works begin. 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.

* 1. Crown building work must not commence unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State’s building laws.
	2. The Crown Certifier must ensure that any certified plans are not inconsistent with this Development Consent, accompanying plans and conditions contained within this consent.
	3. The certification by or on behalf of the Crown to comply with the technical provisions of the State’s building laws shall not be issued until design verification from a qualified designer has been received on the construction documentation. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
	4. The Landscape Plan by Group GSA, Project no.200311, Drawing nos.186-10, Sheet nos. L-2001, L-5000, L-5001 & L-7001, Issue D, dated 30/7/2021 shall be amended to include the comments in conditions 3.6, 3.7, 3.8 and 3.9 of this consent.

The amended Landscape Plan shall be submitted to the Crown Certifier for approval prior to works commencing.

* 1. The landscape plan shall include the provision for the replacement of all boundary fencing. Except where otherwise required by another condition of consent boundary fencing shall be provided in accordance with the following:
		1. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer.
		2. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site.
		3. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners.
		4. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

**Note:** Fencing adjoining the rail corridor is also subject to the requirements of relevant conditions within this Determination Notice and fencing within the overland flowpath / floodway must be designed and constructed in accordance with the requirements of Condition No. 3.25.

* 1. The applicant is to plant the following replacement trees on the nature strip forward of the property. The trees shall have a container size not less than 75-litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201.

|  |  |
| --- | --- |
|  Tree Species | Location |
| 4 x *Tristaniopsis laurina* “Luscious” (Watergum) | Trees to be planted on the nature strip forward of the property line no closer than 2.5m from any vehicle crossings (VC) including laybacks |

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

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

The trees shall be planted prior to construction works commencing by a qualified landscape contractor with experience in handling advanced sized tree stock, and in accordance with the tree delivery, planting preparation – general, planting, mulching and staking specifications included in Standard Drawing No. S-201.

Once the trees have been planted, a tree protection fence located at a 0.5 metre radius from the trunk of each tree shall be installed to protect the trees during all construction phases.  The fences shall be constructed of chain wire mesh 1.80 metres high supported by steel posts, shall not be removed or altered, and are to remain in place for the duration of any site works.

During the construction phase the trees shall be watered and maintained in accordance with the tree establishment and maintenance requirements included in Standard Drawing No. S-201.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting once the tree protection fence has been installed and again once the works have been completed prior to occupation. Inspections must be booked at least 5 working days prior to being required.

* 1. Approval is granted for the removal of the following trees:
* Any trees 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, including T14 as identified in the approved Arboricultural Impact Assessment Report;
* Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
* Any of the following trees:

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| --- | --- | --- |
| Tree Species | Location | Arboricultural Impact Assessment Report Tree Identification Ref. No. |
| 1 x *Lagerstroemia indica* (Crepe myrtle) | Near front boundary on the right hand side  | T1 |
| 1 x *Callistemon viminalis* (Weeping Bottlebrush) | Adjacent to front boundary on far right hand side | T2 |
| 3 x *Cupressocyparis leylandii* (Leyland pine) | Adjacent to front boundary in the middle | T3, T4 & T5 |

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. The following tree/s shall be retained and protected from removal and damage for the duration of the development:

|  |  |  |  |
| --- | --- | --- | --- |
| Tree Species | Location | Protection Zones\* | Arboricultural Impact Assessment Report Tree Identification Ref. No |
| 1 x *Lophostemon confertus*(Brushbox) | Next to the eastern side boundary of no.85 towards the rear of the block | TPZ 5.6 mSRZ 2.5 m | T13 |

\* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

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

* The tree to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
* All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
* A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at 3.5 metre radius from the trunk of the *Lophostemon confertus* (Brushbox). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;
* The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
	+ The Development Consent number;
	+ The name and contact phone number of the consultant arborist / site manager (nominate whoever is applicable);
	+ The purpose of the protection zone;
	+ The penalties for disregarding the protection zone;
* No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
* All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
* Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
* Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
* If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 30mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.
* Excavations within Tree Protection Zones shall be carried out in accordance with the approved Aboricultural Impact Assessment Report, Section 10.9 i;
* The stormwater line and associated pits are to be located no closer than 3.5 metres from the tree. Alternatively, the stormwater line is to be installed by careful digging using hand tools or horizontal boring and passing the pipe beneath existing tree roots within 3.5 metre radius of the tree. No tree roots greater than 25mm in diameter are to be severed.
	1. 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. Before construction works commence, 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 Crown Certifier:
		1. Council’s development control plan,
		2. the guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book), and
		3. 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.

* 1. Before construction work begins, 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 Crown Certifier:
		1. Council’s Waste Management Development Control Plan
	2. Before construction work begins, the person having benefit of this Determination Notice must submit the following written evidence of service provider requirements to the Crown Certifier (where applicable):
		1. a letter of consent from the relevant electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; and
		2. a response from the relevant water authority as to whether the plans proposed to accompany the application for construction would affect any the relevant water authority infrastructure, and whether further requirements need to be met; and
		3. 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
		4. 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.
	3. The Council approved plans, including demolition plans (where relevant to this approval), must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap inTM.

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

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

* 1. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.
	2. 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/bci/levy/about-the-levy/about-the-levy-portal) at <https://www.longservice.nsw.gov.au>.
	3. The person with the benefit of this Determination Notice shall undertake the following engineering works, as applicable, in the front of the site in consultation with Council, at their own expense:
		1. A heavy duty VFC of maximum width of 6.0 metres at the property boundary for the basement access ramp. The VFC should have a minimum setback of 1.0 metres from the property side boundary.
		2. Drainage connection through an underground OSD system discharging to Council's system.
		3. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
		4. Repair of any damage to the public road including the footway occurring during development works.
		5. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels specified by Council. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.
	4. 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 plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
	5. Before the construction work begins, 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.
	6. 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.
		1. 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 Crown Certifier prior to construction work beginning.
		2. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.
	7. 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 Crown Certifier for approval prior to construction work beginning.
	8. Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No: 20013, Sheet nos.: C03, C04, C05 & C06, Revision – B dated 10/06/2021 prepared by Michael Ell Consulting Engineers Pty Ltd.

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

* 1. Stormwater runoff from within the property shall be collected and controlled by means of an on-site stormwater detention system (OSD) in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the front of the site and from there to a newly constructed junction pit in Waldron Road. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on-site detention system plan shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan no: 20013, Sheet nos.: C03, C04, C05 & C06, Revision – B dated 10/06/2021 prepared by Michael Ell Consulting Engineers Pty Ltd.

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

The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Crown Certifier for approval prior to the works commencing on site.

* 1. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Crown Certifier for approval prior to construction works commencing
	2. For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval to the Crown Certifier prior to any construction works commencing. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
	3. The subject site is affected by local overland flooding and shall comply with the following:
1. Proposed buildings shall be located clear of floodways through the site.
2. Habitable finished floor level shall be constructed to a minimum of RL 30.40m including freeboard as determined by the Storm Water System Report.
3. All approved construction details shall be consistent with this requirement.
4. Landscaping within the overland flowpath shall be limited to grassed or paved surfaces only. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the Crown Certifier prior to construction work beginning. A copy of the approved landscaping details shall be submitted to Council for information.
5. Boundary fencing across overland flowpath/floodway shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100-year A.R.I. storm. Minimum 200 mm high Louver type fences in accordance with Council's standard S-112A and S112B shall be constructed as follows:
	1. For the full length along the rear boundary
	2. All approved construction details shall be consistent with this requirement.
6. An unobstructed overland flowpath (floodway) for excess stormwater runoff from Council’s drainage system and upstream catchment shall be constructed and maintained by the owner. The flowpath drainage system shall be designed to carry stormwater runoff from the 1:100-year A.R.I. design storms for the catchment concerned. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to construction works beginning. All approved construction details shall be consistent with this requirement. A copy of the approved details shall be submitted to Council for information.
	1. Prior to works commencing for this development, the applicant must prepare and submit a Site, Pedestrian and Traffic Management Plan (SPTMP) to Councils Traffic Section. This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

This plan shall include details of the following:

1. Proposed ingress and egress points for vehicles to and from the construction site;
2. Proposed protection of pedestrians, adjacent to the constructions site;
3. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
4. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
5. 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.
6. Proposed route for transportation of bulk and excavation materials to and from the development site.

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

An Agreement with Councilsigned by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to any works commencing onsite. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work in consultation with Council.

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

* 1. Prior to construction works beginning for this development, the Crown Certifier 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:

1. Proposed hoardings, scaffolding and/or fencing to secure the construction site;
2. Proposed measures to be implemented, , 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;
3. Proposed method of support of any excavation, adjacent to adjoining buildings or the public road/rail line. 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.
4. 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.
5. 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.

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 Crown Certifier.

* 1. The person with the benefit of this Determination Notice is to seek approval from the appropriate authority for the installation of a “No parking on waste collection days” (or similar) sign at the kerbside collection point at the front of the *development* on Waldron Road. It is required the person with the benefit of this Determination Notice submit a request to Council for consideration of this sign prior to construction works beginning.
	2. Access to all communal and public areas of the development, including communal open spaces, are to be designed and constructed in accordance with the requirements of Disability (Access to Premises — Buildings) Standards 2010.
	3. In the event that a substation is required, the size and location of the substation is to be submitted for approval to Council and Ausgrid, prior to construction works beginning or the commencement of use, whichever is earlier. A substation has not been approved and if required details must be submitted to Council.
	4. Separate approval is required for any heat shield and/or associated fire assembly structures/facilities not shown on the approved plans.
	5. Prior to construction works beginning, a dilapidation survey must be undertaken by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 for the adjoining property at 89 Waldron Road, Chester Hill and is to detail the physical condition of all structures (including driveways, retaining walls, and other outdoor structures such as carports, pergolas, awnings, etc), both internally and externally, including such elements as walls, ceilings, roofs, structural members and other similar elements. The dilapidation survey must consider structural as well as hydrological and geotechnical factors likely to arise from the development. It must be submitted to the Crown Certifier and all costs associated with preparing the survey must be borne by the person having the benefit of this Determination Notice. This survey must be provided in hard copy to the relevant adjoining strata owner prior to construction works beginning.
	6. Prior to the commencement of any works, all domestic waste bins servicing the property are to be returned to Council.
	7. Construction plans are to show the communal bin storage room identified on GA Ground Floor Plan (Plan No: DA2001) 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:
		1. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
		2. Floors must be finished so as to be non-slip with a smooth and even surface;
		3. The room is to be integrated within the building with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
		4. Walls must be constructed of solid impervious material;
		5. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
		6. Walls, ceiling and floors must be finished in a light colour;
		7. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
		8. A self-closing door openable from within the room;
		9. Must be constructed to prevent the entry of birds and vermin;
		10. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
		11. Any doorways must be 2 metres wide and open outwards;
		12. Designed to a minimum area of 41m2 and to fit:
1. 5 x 660L bulk garbage bins;
2. 7 x 660L bulk recycling bins; and
3. 2 x 240L garden organics bins.
	1. The Crown Certifier must ensure that before construction has commenced, construction plans demonstrate that the bin carting route from the communal bin storage room identified on GA Ground Floor Plan (Plan No: DA2001 to the waste collection point identified on GA Ground Floor Plan (Plan No: DA2001) complies with the requirements of the Council’s “*Waste Management Guide for New Developments*” including, without limiting the foregoing, compliance with the following requirements:
		1. Is direct and less than 10 metres in length,
		2. Has a minimum width of 2m of hard surface;
		3. Is of non-slip material and free from obstacles and steps;
		4. Is not located within a driveway or carpark;
		5. Has a maximum grade of 1:30 (3%); and
		6. Has a layback installed at the collection point.
	2. The Crown Certifier must ensure that before construction has commenced, construction plans demonstrate the bulky waste storage room identified on GA Ground Floor Plan (Plan No: DA2001) 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:
		1. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
		2. Floors must be finished so as to be non-slip and have a smooth and even surface.
		3. The walls must be constructed of solid impervious material;
		4. 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;
		5. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
		6. Walls, ceiling and floors must be finished in a light colour;
		7. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock;
		8. A self-closing door openable from within the room;
		9. Must be constructed to prevent the entry of birds and vermin;
		10. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
		11. Any doorways must be 2 metres wide; and
		12. Designed to a minimum size of 4m2.
	3. No permanent or temporary anchors are to be installed on adjoining properties without the approval of the adjoining land owners.
	4. If any neighbouring properties or roadway are to be utilised for support, the legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owner must be obtained and a copy of the owner’s consent for temporary rock anchors or other material in adjacent lands must be lodged to Canterbury Bankstown Council prior to works commencing.

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

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

* 1. A geotechnical report must be submitted to the Crown Certifier prior to construction works commencing. The Geotechnical report must review the soil conditions and identify appropriate construction methods for the building as designed. The building design and construction must not use the adjoining properties for temporary or permanent anchors, unless written owner consent is provided. The recommendations of the report are to provide alternative construction methods to be incorporated where adjoining sites do not permit temporary or permanent anchors. The recommendations in the report are shall be incorporated into the plans and are to be complied with during the construction process.
	2. All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.
	3. The development is to be carried out in accordance with the commitments shown on the BASIX Certificate for the residential flat building. The BASIX commitments approved with this Development Application are to be reflected on plans and specifications. Any proposed changes to the BASIX commitments will require an updated BASIX Certificate.
	4. The location of any air-conditioning and hot water units and associated infrastructure must be located to ensure that they are not visible from the street, and that they do not result in a non-compliance with the relevant built form controls and private open space controls contained within the Apartment Design Guide. Confirmation from a suitably qualified architect that the BASIX commitments do not compromise the design guidance as contained within the Apartment Design Guide must be provided to the Crown Certifier prior to works commencing.
	5. Before the commencement of any site or building work, the Crown Certifier must ensure the measures for tree protection detailed in the Arboricultural Assessment Report referred to in Condition No. 1.1 and in Condition 3.9 are in place.
	6. Before the commencement of any site or building work, the Crown Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the Crown Certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
	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.
	8. An application for a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be lodged & Notice of Requirements obtained from Sydney Water prior to commencement of construction. 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.

* 1. 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.

* 1. 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 construction.
	2. Separate approval is required to be obtained to demolish all existing structures located on the properties. Prior to commencement of works on site, the Crown Certifier must ensure that the site is free and clear of all dwellings and structures in accordance with the relevant approvals issued.

* 1. Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times.
1. **Conditions to be Satisfied During Construction.**
	1. Any new information revealed during building work/s that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Crown Certifier. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the person with the benefit of this Determination Notice and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information.
	2. All soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the ‘Waste Classification Guidelines’ (NSW EPA, 2014) prior to off-site disposal.
	3. All waste material for disposal to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Receipts for the disposal of the waste must be submitted to Council prior to occupation of the development.
	4. Compliance with AS4373 – 2007 and AS4970 – 2009 -All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS4373-2007 Pruning of amenity trees and Australian Standard AS4970-2009 Protection of trees on development sites. Site specific conditions relating to tree protection as specified in Condition No. 3.9 and in the approved Arboricultural Impact Assessment Report referred to in Condition 1.1 shall take precedence over this requirement.
	5. The Crown Certifier must ensure that building work, demolition or vegetation removal is only carried out between:
		1. 7.00 am and 5.00 pm on Monday to Saturday.
		2. No construction is to be carried out at any time on a Sunday or a public holiday.

The Crown 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.

* 1. 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 Crown Certifier —
		1. All footings/ foundations
		2. At other stages of construction – any marks that are required by the Crown Certifier.
	2. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance Council’s Bankstown Development Engineering Standards and in consultation with Councils Engineering department.
	3. 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 additional retaining walls should they be required.
	4. While building work is being carried out, the Crown Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
		1. 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 Crown Certifier.
		2. 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.
	5. 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 —
		1. Protect and support the building, structure or work from possible damage from the excavation, and
		2. 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.

* 1. The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards and the engineering plans and details approved by the Crown 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.
	2. 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 person with the benefit of this Determination Notice, 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 person with the benefit of this Determination Notice must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

* 1. All excavations must be kept free from the accumulation of water.
	2. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
1. **Conditions to be Satisfied Before Occupation.**
	1. The occupation or use of the building must not be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State’s building laws.
	2. The tree planting on site shall be as Landscape Plan by Group GSA, Project no.200311, Drawing nos.1806-10, Sheet nos. L-2001, L-5000, L-5001 & L-700, Issue D, Dated 30/7/2021 except where amended by Condition No.3.5 of this consent. All works and methods nominated and materials specified on the approved landscape plan(s) are to be completed prior to the occupation of the development.
	3. Occupation of the premises shall not occur until all conditions relating to building work have been addressed to the satisfaction of the Crown Certifier.
	4. Consolidation of the existing allotments must be registered by NSW Land Registry Services prior to the occupation of the development.
	5. Before the occupation of the development, the Crown 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.
	6. Prior to the occupation of the development a design verification from a qualified designer shall be submitted to the Crown Certifier. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in approved plans and specifications, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
	7. Nine (9) off street car spaces being provided in accordance with the submitted plans. Two (2) 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.
	8. Eight (8) secure bicycle parking spaces are provided in accordance with the submitted plans, being located within the basement.
	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 to the Crown Certifier prior to the occupation of the site.
	10. An identification report by a registered surveyor must be obtained to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
	11. Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. All lighting must be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
	12. Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282: Control of the Obtrusive Effects of Outdoor Lighting to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council’s discretion if Council considers there to be adverse effects on the amenity of the area.
	13. 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.
	14. The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the Crown Certifier prior to occupation of the development.
	15. Appropriate security measures, including security doors and gates, shall be installed at the main pedestrian and vehicular entrances and exits.

The Crown Certifier shall obtain a report from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to the occupation of the development. A copy of the report is to be submitted to Council prior to the occupation of the development.

* 1. Prior to occupation 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 location(s) for Council and its contractors for the purpose of waste and recycling collection. The development is also required to indemnify Council and its contracts against claims for loss or damage or wear and tear of access roads or other parts of the development. A positive covenant shall be placed on the property title.

By entering into an agreement with Council’s waste collection services, the development is required to operate in full compliance with Council’s Waste Management Collection requirements.

Council officers are to be permitted to inspect the premises prior to occupation to assess the viability of servicing requirements of the site, specifically with regard to path of travel, waste storage room sizing, access to water / sewer, finished materials, door dimensions and confirmation that all waste facilities are fit for purpose.

* 1. The person with the benefit of this Determination Notice is to seek approval from the appropriate authority for the installation of a “No parking on waste collection days” (or similar) sign at the kerbside collection point at the front of the development on Waldron Road.
	2. A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

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

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

* 1. Within three (3) months of occupation the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

**Note:** The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

1. **Conditions of Use.**
	1. The development is to be operated in accordance with the requirements of the Plan of Management at all time.
	2. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997.* All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.
	3. 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.
	4. 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.
	5. The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or the Housing SEPP 2021.
	6. All vehicles associated with the development shall enter and exit the site in a forward direction.
	7. Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises, including the open communal area. Speakers located within the premises must not be placed to direct the playing of music towards the outdoor areas associated with the premise.
	8. The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.
	9. The development must be carried out in compliance with Council’s “Domestic Waste and Recycling Service Policy and Guideline”.
	10. Any waste facilities approved under this consent must be maintained in a proper and workmanlike state at all times and must be kept clear and accessible to Council to undertake waste collection services. The facilities must not be altered without prior Council approval.
	11. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
	12. 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.
	13. 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).
	14. Identification number/s are to be conspicuously displayed at the front of the premises.
	15. Access control for the basement must include the provision of a roller door (or similar) installed with a suitable electronic security access.
	16. Access into the residential lobby shall be via key/swipe card and/or intercom for visitors.
	17. All letter boxes are to have non-master key locks, to prevent mail theft and fraud.