

## SCHEDULE 1 – CONDITIONS

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

### 1. Approved Development.

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

Plan No.	Plan Name	Date	Revision	Prepared By
A-1100	Basement Carparking Plan	08.07.21	S	Dwp
A-1101	Ground Floor Plan	08.07.21	X	Dwp
A-1102	Level 1 Plan	08.07.21	S	Dwp
A-1103	Level 2 Plan	08.07.21	R	Dwp
A-1104	Level 3 Plan	08.07.21	R	Dwp
A-1105	Level 4 Plan	08.07.21	R	Dwp
A-1107	Roof Plan	08.07.21	R	Dwp
A-1120	Communal Open Space	08.07.21	D	Dwp
A-1300	Elevations 1	08.07.21	Q	Dwp
A-1301	Elevations 2	07.08.21	Q	Dwp
A-9300	Materials Board	10.03.21	G	Dwp

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

- 1.2 Before Construction works commence, the certifier must ensure the approved plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.
- a. The plans are to be amended and a Clerestory window proposed in place of the skylights shown for units 402 and 403. The clerestory window must not exceed the approved height of the development and be suitably integrated into the overall design.
  - b. A fence containing a gate is to be located restricting access to the communal open space from Wellington Road on the eastern boundary. The fence and gate are to be located generally at a 6.1m setback from the front boundary and sit in line with the building wall.
  - c. No awning structure is approved or endorsed to sit within the front setback forward of the gated access on the eastern boundary.

- 1.3. A substation has not been approved. Further Council approval is required prior to the installation of any substation for the development.
- 1.4. All hydrants, boosters and other services must be contained within cabinets in the built form. Separate approval is required for any services outside of the built form and not authorised through this Development Consent.
- 1.5. 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*.
- 1.6. 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.
- 1.7. Storage areas within all units must be provided in accordance with the Apartment Design Guidance (ADG) Criteria outlined in 4G-1. The plans must demonstrate prior to works commencing that 50% of the required storage is provided within each unit, exclusive of any kitchen, bathroom and bedroom storage. The storage must be contained within the unit and not result in any failures of any other controls within the ADG as a result of its location. The plans should also identify the storage within the basement areas, demonstrating capacity for the remaining storage not within the units as required by the ADG 4G-2.
- 1.8. 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 for services or any structure is permitted within these areas.
- 1.9. The acoustic report submitted in support of this application prepared by Wood and Grieve Engineers, titled, '*LAHC Projects – Chester Hill*', report number 42745, dated 27 July 2020 and all the recommendations stated within the report, form part of the development consent.
- 1.10. The Crime Prevention Through Environmental Design Report submitted in support of this application prepared by Mecone, dated 15 September 2020 and the recommendations stated within the report, form part of the development consent
- 1.11. 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.

- 1.12. The correspondence issued by Sydney Trains dated 8 October 2021, reference number **CNR-13255**, forms part of this consent. Compliance with the conditions contained within 'Attachment A and B' and as noted in conditions 1.12-1.36 of this consent, must be complied with as required throughout the development.
- 1.13. Prior to the commencement of any works, the Applicant shall prepare and provide to Sydney Trains for review, comment and written endorsement the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):
- i. 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.
  - ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
  - iii. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
  - iv. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and rail corridor land.
  - v. 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.
  - vi. If required by Sydney Trains, a Monitoring Plan.

Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 1.15 Prior to occupation of the development, a report must be prepared and submitted to Council and Sydney Trains confirming 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". 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.

- 1.16 Prior to the commencement of any works, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray electrical currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. The Applicant must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the commencement of any works.
- 1.17 Prior to the commencement of any works, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- 1.18 A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains if required. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. If required, the risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. Works shall not commence until written confirmation has been received from Sydney Trains confirming that either the risk analysis is not required or that the risk analysis has been prepared. The Applicant must ensure that the measures recommended in this risk analysis are incorporated in the construction drawings and documentation prior to the commencement of any works.
- 1.19 No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 1.20 Prior to the commencement of any works, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 1.21 If required by Sydney Trains, prior to the commencement of any works 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 to the rail corridor. Works shall not

commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 1.22 No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- 1.23 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. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 1.24 The Applicant 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.
- 1.25 During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 1.26 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.
- 1.27 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. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 1.28 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. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 1.29 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.

- 1.30 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to occupation of the development, the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 1.31 If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- 1.32 If required by Sydney Trains, prior to occupation of the development or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. Occupation of the development shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 1.33 Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- 1.34 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 commencement of any works or prior to occupation of the development.
- 1.35 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - I. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;

- II. acts as the authorised representative of the Applicant; and
- III. 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 Applicant.

1.36 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

1.37 Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface and they can be contacted via email on [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

## 2. Conditions To Be Satisfied Prior To Works Commencing On Site.

2.3. Development Contributions of \$382,918.00 must be paid for this development before the issue of any **works on site**. 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:

Roads and Traffic	\$240,863.00
Community Facilities	\$46,178.00
Drainage and storm water management	\$28,530.00
Plan administration	\$63,923.00
Open Space	\$3,424.00

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 the works commence on site. 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.

- 2.4. 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.
- 2.5. The Certifying Authority must ensure that any certified plans are not inconsistent with this Development Consent, accompanying plans and conditions contained within this consent.
- 2.6. A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the Certifying Authority prior to the issue of a works commencing. The landscape plan must be prepared substantially in accordance with the approved plans and must include the following features, notations and specifications:
  - a. The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,
  - b. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
  - c. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), and
  - d. Details of drainage and watering systems (if any).
- 2.3 The Landscape Plans by Arcadia Landscape Architecture, Drawing nos. 000, 100, 601 & 602, Issue D, Dated 27/8/2020 shall be amended to be substantially in accordance with the approved plans and to include the conditions noted for "Tree Removal: Nature Strip", "Tree removal: On Site" & "Tree Planting: Nature Strip". The Landscape Plan shall also include a minimum 4 x replacement trees on site as follows:
  - 4 x replacement trees known to attain a minimum height of 15-20 metres at maturity and shall be of Eucalyptus / Corymbia species type e.g. Corymbia eximia, Corymbia maculata
  - The 4 x replacement trees shall be planted in a suitable open space area that will allow protection whilst young and future protection during growth & development
  - The trees shall be watered periodically over a minimum 3 month period especially during dry spells to ensure their establishment & future sustainability
  - A layer of suitable mulch / wood chip shall be supplied to the base of the trees at minimum 300mm deep and at minimum 1m radius around the trees
  - Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order.
  - The trees shall have a container size not less than 200 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

- The trees shall be planted no closer than 3.5metres from the wall of any approved building on the property.
- The trees shall be planted so that future growth is not in conflict with overhead electricity wires.
- The trees shall be maintained for the life of the development.

The amended Landscape Plan shall be submitted to the Certifying Authority for approval prior to works commencing.

- 2.7. The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 2.8. 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.
- 2.9. 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 and or Council.
- 2.10. Tree Removal: Nature Strip - Approval is granted for the removal of the following tree:

Tree Species	Location
1 x <i>Waterhousea floribunda</i> (Weeping Lilly pilly)	On the nature strip forward of the property line closest to the existing Vehicle Crossing (V.C) of no.48 Wellington Road

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- 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;
- 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);

- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- 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.

2.7 Tree Removal: On-Site - 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 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
- Any of the following tree/s:

Tree Species	Location
1 x <i>Eucalyptus crebra</i> (Narrow leaf Ironbark)	Next to north-western boundary corner of no. 48 Wellington Road
1 x <i>Eucalyptus botryoides</i> (Bangalay)	Near northern boundary of no.48 Wellington Road
1 x <i>Liquidambar styraciflua</i> (Liquidambar)	Near the northern boundary of no.50 Wellington Road

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.

2.11. Before construction works commence, the person having benefit of this Determination Notice is to ensure that the erosion and sediment control plan has been prepared in accordance with the following documents before it is provided to and approved by the Certifying Authority:

- a. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book)

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.

2.12. Before construction works commence, the person having benefit of this Determination Notice is to ensure that a final 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 Certifying Authority:

a. Council's Waste Management Development Control Plan

2.13. Before construction works commence, the person having benefit of this Determination Notice must submit the following written evidence of service provider requirements to the Certifying Authority:

- 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 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.

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

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

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

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

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

2.17. The person having benefit of this Determination Notice shall undertake the following applicable engineering works in front of the site in consultation with Council, at their own expense:

- a) Heavy duty VFC of maximum width of 5.5metres at the property boundary.
- b) Foot path reconstruction fronting the subject property.
- c) Two new stormwater pits with 1.8m lintel and associated 375 RCP pipe extension to connect to Council stormwater network at the intersection of Veronica street.
- 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 determined in consultation with Council. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

2.19. Before works commence, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the Certifying Authority's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking.

2.20. 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.

- 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 certifier prior to any construction works commencing.
- b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 2.21. 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 Certifying Authority for approval prior to works commencing.
- 2.22. Stormwater drainage from the development shall be designed so as to comply with Council's Bankstown Development Engineering Standards 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 an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Bankstown Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

<b>Drawing number</b>	<b>Revision</b>	<b>Date</b>	<b>Prepared By</b>
CIV-WEB-090	Rev 3	06.08.2021	Webber Design
CIV-WEB-102	Rev 1	10.03.2021	Webber Design
CIV-WEB-101	Rev 2	06.08.2021	Webber Design
CIV-WEB-105	Rev 3	06.08.2021	Webber Design
CIV-WEB-110	Rev 3	06.08.2021	Webber Design

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

- The proposed SPEL stormwater filters shall be designed and connected in accordance with the producer product specifications.

- 2.23. The intersection of ramps with parking aisles and other intersection areas have been designed for use by one vehicle at a time. Appropriate traffic management measures, including redesign if needed, is required to prioritise one-way traffic movement at these intersection areas. The design shall be completed and certified by a suitably qualified professional engineer.
- 2.24. 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 Certifying Authority for approval prior to the works commencing on site.
- 2.25. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Certifying Authority for approval prior to construction works commencing.
- 2.26. 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 Certifying Authority 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.

2.27. The area shown within the basement must be made available for the parking bicycle spaces at all times. This must be shown on all construction plans and demonstrate compliance with the relevant standards.

2.28. 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:

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

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

An Agreement with Council, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to 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.

2.29. Prior to works commencing for this development, the 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, 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; and
- 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.

The Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and a copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Certifying Authority.

2.29 No permanent or temporary anchors are to be installed on adjoining properties without the approval of the adjoining land owners.

2.31 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.

- 2.32 A geotechnical report must be submitted 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.
- 2.33 Separate approval, where required for any heat shield and/or associated fire assembly structures/facilities not shown on the approved plans.
- 2.34 In the unforeseen 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 to works commencing or the commencement of use, **whichever is earlier**. A substation has not been approved and if required details must be submitted to Council.
- 2.35 All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.
- 2.36 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.

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

- 2.37 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. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 2.38 Waste Storage Room Construction - A design certificate and detailed plans are to accompany any documentation which demonstrate that the waste storage room

has been designed to be constructed in accordance with the Waste Management Guide for New Developments and including the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
- d. The walls must be constructed of solid impervious material.
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. Any doorways must be 2m wide.
- l. Designed to fit 14 X 660L recycling bins
- m. Designed to fit 9 x 660L garbage bins
- n. Designed to fit 2 x 240L garden organics bins

2.40 Bin Carting Route – A design certificate and detailed plans are to accompany any documentation which demonstrate that the bin carting route from the waste storage room to nominated collection point has been designed to be constructed in accordance with the following requirements:

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

2.41 Bulky Waste Storage Room Construction - A design certificate and detailed plans are to accompany any documentation application which demonstrate that the bulky waste storage room has been designed to be constructed in accordance with the Waste Management Guide for New Developments and including the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The walls must be constructed of solid impervious material.

- d. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. Any doorways must be 2m wide.
- l. Designed to a minimum size of 5m<sup>2</sup>

### **3. Conditions to be Satisfied Upon Construction works commencing.**

- 3.1 Before the commencement of any site or building work, the certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
- 3.2 Before the commencement of any site or building work, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 3.3. 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.
- 3.4. 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.
- 3.5. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 3.6. 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.

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

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

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

- 3.8 Tree Planting: Nature Strip - 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-202.

Tree Species	Location
1 x <i>Tristaniopsis laurina</i> "Luscious" (Watergum)	Tree to be planted on the nature strip forward of the property line on the right hand side of the new proposed Vehicle Crossing (V.C) and no closer than 2.5m from the new proposed V.C
2 x <i>Tristaniopsis laurina</i> "Luscious" (Watergum)	Trees to be planted on the nature strip forward of the property line on the left hand side of the new proposed Vehicle Crossing (V.C) and no closer than 2.5m from the new proposed V.C and at least 6m apart

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.

Prior to works commencing the trees shall be planted by a qualified landscape contractor with experience in handling advanced sized tree stock, and in accordance with the tree delivery, planting preparation – general, planting, mulching and staking specifications included in Standard Drawing No. S-202.

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

During the construction phase the trees shall be watered and maintained in accordance with the tree establishment and maintenance requirements included in Standard Drawing No. S-202.

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 of the development. Inspections must be booked at least 5 working days prior to being required.

#### **4. Conditions to be Satisfied During Construction.**

- 4.1. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 4.2. The 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 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.
- 4.4 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 the certifier prior to the completion of works and occupation of the development. All imported fill must be compatible with the existing soil characteristics of the site.

- 4.5 Any 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.

Any soils to be excavated and reused onsite or offsite 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 reuse.

Any 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

- 4.6 A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 4.7 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 certifier —
  - a. All footings/ foundations
  - b. All slabs and floor levels
  - c. At other stages of construction – any marks that are required by the certifier.
- 4.8 All civil and hydraulic engineering works on site and works associated with Council's assets and infrastructure must be carried out in accordance with Council's Bankstown Development Engineering Standards.
- 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 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 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 Bankstown Development Engineering Standards and the engineering plans and details approved by the 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 All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

- 4.15 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.
- 4.16 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
- 4.17 No heavy vehicles associated with demolition, construction or the delivery of materials are to arrive or depart the site during active school zone periods (i.e. from 8.00am – 9.30am and 2.30pm – 4.00pm on school days).
- 4.18 Appropriate measures should be considered for site access, storage and the operation of the site during all phases of the construction process in a

manner which respects adjoining owner's property rights and amenity in the locality, without unreasonable inconvenience to the community.

- 4.19 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.

## **5 Conditions to be Satisfied Before Occupation.**

- 5.1 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.
- 5.2 Occupation of the premises shall not occur until all conditions relating to demolition and building work have been addressed to the satisfaction of the Certifying Authority.
- 5.3 The certifier shall obtain an acoustic validation report from an appropriately qualified acoustic consultant stating that the recommendations outlined in the acoustic report prepared by Wood and Grieve Engineers, titled, '*LAHC Projects – Chester Hill*', report number 42745, dated 27 July 2020 have been implemented and that relevant noise criteria as well as the recommendations has been satisfied, prior to any Occupation of the development. A copy of the acoustic validation report shall be provided to Canterbury Bankstown Council prior to Occupation of the development.
- 5.4 Prior to the occupation of the development a design verification from a qualified designer shall be submitted to the 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 was commenced/issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 5.5 Access to the residential spaces must be restricted for permanent residents and visitors only.
- 5.6 Before occupation of the development, the person having the benefit of this Determination Notice must submit, to the satisfaction of the certifier, works-as-executed plans, any compliance certificates and any other evidence confirming compliance with Bankstown Development Engineering Standards.

The certifier must provide a copy of the plans to Council with the relevant certificate advising the development has been certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws and constructed as such.

- 5.7 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 prior to completion of the building works and occupation of the development.

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

- 5.8 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.
- 5.9 18 off street car spaces provided (within the basement) in accordance with the submitted plans. The accessible car parking space is 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.
- 5.10 The bicycle spaces within the basement must be marked and signed accordingly and remain accessible for use at all times by residents within the development.
- 5.11 Before the occupation of the development, the 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.
- 5.12 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 occupation of the development.
- 5.13 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.
- 5.14 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 in accordance with NSW address Policy and User Manual in consultation with Council.

- 5.15 The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the Certifier prior to occupation of the development.
- 5.16 Council Inspection – Waste Management Facilities - Prior to occupation, an authorised Council waste officer is to inspect all waste management facilities to ensure they comply with the development approval, Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.
- 5.17 Waste Collection Agreement with Council - 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 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.

## **6 Use of site**

- 6.1 Identification number/s are to be conspicuously displayed at the front of the premises.
- 6.2 All storage areas are to be clearly identifiable and secured. Any storage areas in alcoves need to be well lit and mirrors to be erected to assist with unclear sightlines.
- 6.3 Access control for the basement must include the provision of a roller door (or similar) installed a suitable electronic security access.
- 6.4 Access into the residential lobby shall be via key/swipe card and/or intercom for visitors.

- 6.5 CCTV is to be installed to the basement levels and to the entries in proximity to the letter boxes for the development.
- 6.6 All letter boxes are to have non-master key locks, to prevent mail theft and fraud.
- 6.7 The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- 6.8 The development must operate in full compliance with Council's Waste Management collection requirements.
- 6.9 The nominated collect and return collection point is to be utilised to facilitate the collection of waste and recycling bins for the development.
- 6.10 Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:
  - (a) Responsibility for cleaning and maintaining waste storage bins and containers
  - (b) Responsibility for cleaning and maintaining waste storage room
  - (c) Responsibility for the transfer of bins to the nominated collection point
  - (d) Method of communication to new tenants and residents concerning the developments waste management system.
  - (e) Cleaning up and management of bulky waste
  - (f) Responsibility for maintaining the compost bin or worm farm

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

- 6.11 No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 6.12 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.
- 6.13 The applicant must ensure that all activities within the premises comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
- 6.14 The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other

premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).

- 6.15 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.

**END OF CONDITIONS**