

CITY OF CANTERBURY BANKSTOWN
MINUTES OF THE
CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING
ELECTRONIC DETERMINATION MEETING
HELD ON 19 JUNE 2025

PANEL MEMBERS Julie Walsh - Chair
PRESENT Ian Arnott - Expert Member
Marcus Trimble - Expert Member
Osman Said - Community Representative

The meeting was held by electronic transmission of papers pursuant to clause 26 of schedule 2 to the *Environmental Planning and Assessment Act 1979*.

DA-1480/2024 - 153 Penshurst Road, Narwee

Alterations and additions to an approved shop top housing development including the construction of 2 additional residential floors containing a total of 10 residential apartments.

Background, Panel Consideration and Reasons for Decision

On 5 May 2025, Development Application DA-1480/2024, was deferred by the Canterbury Bankstown Local Planning Panel for the submission of consolidated conditions providing for amendment of the relevant conditions in the base consent (DA-157/2022).

This application would amend development, the subject of the base consent, which was for demolition of existing structures and construction of an 8 storey shop top housing development comprising 3 levels of basement carparking, ground floor commercial premises, and 33 residential apartments.

This application is not a modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act), but an “amending” development application which would require amendment of the base consent pursuant to section 4.17(5) of the Act. Sections 4.17(1)(b) of the Act and clause 67 of the *Environmental Planning and Assessment Regulations 2021* (the Regulations) enable the base consent to be amended and the 2 consents to be linked and operate concurrently.

The Panel is satisfied that it is appropriate to grant development consent for this development application generally for the reasons in the Council officer’s report considered by the Panel at the 5 May 2025 meeting subject to the following matters:

1. The required specific amendments to the conditions set out in the Panel Minutes of 5 May 2025.
2. A schedule listing those amendments required to the base consent to be included as a condition of consent for this development application.
3. A consolidated set of conditions of consent for this development application which includes required amendments to conditions in the base consent.

Attached to these Minutes are the following documents:

1. **Attachment 1** - Conditions of Development Consent - DA-157-2022 (amended).
2. **Attachment 2** - Conditions of Development Consent - DA-1480-2024.
Attachment 2 includes as **Annexure A** Conditions of DA-157/2022 to be amended.

These documents deal with the reasons for deferral and the Development Application DA-1480/2024 can accordingly now be granted consent.

Contributions Conditions

Condition 5 of the draft conditions originally reported to the Panel levied a contribution under section 7.12 of the *Environmental Planning and Assessment Act, 1979 (EP & A Act)*. It was subsequently determined that contribution should have been levied under the section 7.11 Contributions Plan. Condition 5 (DA-1480/2024) and the corresponding condition 3A (DA-157/2022) have been amended accordingly. The contributions levied under DA-1480/2024 and the preceding DA-157/2022 have been adjusted to reflect the amended number of apartments in the development and the mix of apartment types (with respect to the number of bedrooms in each). For clarity and completeness, the contribution conditions are duplicated in each of the respective consents, however, the contributions only need to be paid once. A notation has been included in each condition to this effect.

CBLPP Determination

THAT Development Application DA-1480/2024 be **APPROVED** subject to the Conditions of Consent in **Attachment 2** to these Minutes.

Vote: 4 – 0 in favour

Attachment 1 - Conditions of Development Consent - DA-157-2022 (Amended)

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 documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
200	DA	Site Plan	Ross Howieson Architects	16.11.2024
201	DA-C	Basement B3 Floor Plan	Ross Howieson Architects	14.03.2025
202	DA-B	Basement B2 Floor Plan	Ross Howieson Architects	07.02.2025
203	DA-B	Basement B1 Floor Plan	Ross Howieson Architects	07.02.2025
204	DA-B	Ground Floor Plan	Ross Howieson Architects	07.02.2025
205	DA	Level 1 Floor Plan	Ross Howieson Architects	16.11.2024
206	DA	Level 2 Floor Plan	Ross Howieson Architects	16.11.2024
207	DA	Level 3 Floor Plan	Ross Howieson Architects	16.11.2024
208	DA	Level 4 – 8 Floor Plan	Ross Howieson Architects	16.11.2024
209	DA	Level 9 Floor Plan	Ross Howieson Architects	16.11.2024
210	DA	Roof Plan	Ross Howieson Architects	16.11.2024
301	DA-B	East Elevation	Ross Howieson Architects	07.02.2025
302	DA-B	North Elevation	Ross Howieson Architects	07.02.2025
303	DA-B	West Elevation	Ross Howieson Architects	07.02.2025
304	DA-B	South Elevation	Ross Howieson Architects	07.02.2025

401	DA-B	Section A-A	Ross Howieson Architects	07.02.2025
402	DA-B	Section B-B	Ross Howieson Architects	07.02.2025
901	DA-B	External Finishes Schedule	Ross Howieson Architects	07.02.2025

Approved documents			
Document title	Project number	Prepared by	Date of document
Landscape Plans: Drawings IS0215DA1 to IS0215DA4	IS0215 – Revision C	Isthmus Landscape Design	13/02/2025

Amended DA-1480/2024

The recommendations contained within the following supporting documentation are to form part of this determination notice except where the conditions of this consent expressly require otherwise.

- a. All recommendations contained within Section 6 the Hazardous Materials Survey, prepared by eiaustralia, dated 14 February 2022, Report No. E23123.E10.Rev1 are to form conditions of consent.
- b. All recommendations contained within Section 4 the Geotechnical Investigation Report – 153-159 Penshurst Road, Narwee NSW, prepared by eiaustralia, dated 11 February 2022, Report No. E23123 GA_Rev3 are to form conditions of consent.
- c. All recommendations contained within the Remediation Action Plan – 153-159 Penshurst Road, Narwee NSW, prepared by eiaustralia, dated 9 February 2022, Report No. E23123.E06_Rev1 are to form conditions of consent.
- d. All recommendations contained within Section 11 the Detailed Site Investigation Report – 153-159 Penshurst Road, Narwee NSW, prepared by eiaustralia, dated 9 February 2022, Report No. E23123 E02_Rev2 are to form conditions of consent.
- e. All recommendations contained within the DA Acoustic Assessment - 153-159 Penshurst Road, Narwee NSW, prepared by Pulse White Noise Acoustic, dated 10 February 2022, Report No. 220041 are to form conditions of consent.

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

- 1.1A Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation:
- a. The allocation of car parking spaces on Basement Level B1 is to be amended to provide a minimum 6 retail spaces, a minimum 6 visitor spaces, and a minimum 2 residential spaces. The security shutter is to be located so that it separates the non-residential parking from the residential parking.
 - b. The storage cages allocated to the adaptable apartments are to be located adjacent their respective car parking space/s.

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- 1.2 No approval is granted for use of the ground floor retail units through this determination notice. Separate consent through a new development application to Council is required before any use of the units, unless where exempt or complying in accordance with the relevant legislation.

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- 1.3 The acoustic report submitted in support of this application prepared by Pulse White Noise Acoustic Pty Ltd, titled 153-159 Penshurst Road, Narwee DA Acoustic Assessment, dated 10 February 2022, Report No. 220041, and include all Sections including the recommendations stated within the report, to form part of the development consent.

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

- 1.4 The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan Prepared for 153-157 Penshurst Road, Narwee, NSW 2209, reference no. E23123.E06_Rev1., prepared by EI Australia, dated 9 February 2022.
- 1.5 If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.
- 1.6 Where required, any request for "No Stopping" Signs to be implemented on Station Lane at the adjacent western property during any construction or building works, the Applicant must seek consultation with the neighbouring property owner and Council.

- 1.7 The proposed development must comply with AS/NZS 2890.1:2004 Figure 3.3 'Minimum sight lines for pedestrian safety' and Council's standard design drawing S-004.
- 1.8 Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.
- 1.9 (a) A disabled toilet is to be provided in the roof top communal open space.

(b) Delete the part of the roof that extends over the lightwell on the north side of the building and the area shaded green on level 7 outside apartment 7.03's bathroom to allow for light penetration into the building in accordance with the Apartment Design Guide.

(c) Details of (a) and (b) to be in the approved construction certificate plans.

2 Conditions Imposed by Water NSW

- 1.1 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- 1.2 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- 1.3 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the

ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

- 1.4 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- 1.5 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- 1.6 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- 1.7 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- 1.8 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment

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

- 1.9 Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/water-licensing/dewatering.
- 1.10 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.
- 1.11 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise

agreed in writing by WaterNSW (Term of the dewatering approval).
Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

1.12 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in the condition above. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

1.13 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

3 Conditions to be Satisfied Before the Issue of a Construction Certificate

3.1 Development Contributions of \$476,311.00 must be paid for this development before the issue of any construction certificate. The contributions are levied under Canterbury Bankstown Local Infrastructure Contributions Plan 2022 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:

LGA Open space and recreation facilities	\$301,698.00
LGA Access and public domain facilities	\$84,983.00
LGA Community and cultural facilities	\$82,593.00
Plan management and administration	\$7,037.00

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 certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid.

A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie.

NOTE: Development contribution amounts are non-refundable if you do not proceed with your development.

NOTE: Condition 3.1 of DA-157/2022 and Condition 5A of DA-1480/2024 both require payment of this contribution, however the contribution only needs to be paid once.

Amended DA-1480/2024

- 3.1A Development Contributions of \$158,998.55 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 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:

LGA Open space and recreation facilities	\$100,711.06
LGA Access and public domain facilities	\$28,367.02
LGA Community and cultural facilities	\$27,570.85
Plan management and administration	\$2,349.62

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

No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any Construction Certificate. Construction of the development may NOT commence until the development contributions are paid.

A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie.

NOTE: Development contribution amounts are non-refundable if you do not proceed with your development.

NOTE: Condition 3.1A of DA-157/2022 and Condition 5 of DA-1480/2024 both require payment of this contribution, however the contribution only needs to be paid once.

Amended DA-1480/2024

- 3.1B Before the issue of the first construction certificate issued as part of this consent, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$30,000.00

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

NOTE: Condition 3.1B of DA-157/2022 and Condition 6 of DA-1480/2024 both require payment of this contribution, however the contribution only needs to be paid once.

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- 3.2 Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.
- Levies
 - Bonds
 - Contributions
 - Inspection fees.

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- 3.3 Before the issue of the relevant construction certificate, payment of the long service levy is required, under the *Building and Construction industry Long Service Payments Act 1986*, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at <https://longservice.force.com/bci/s/levy-calculator>.

Payment must be made via the Long Service Levy Portal at <https://www.longservice.nsw.gov.au>.

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- 3.4 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 above the proposed development and consequently, may require separate approval under the Regulations. It is advisable that approval to operate equipment (i.e. cranes) be obtained before the issue of any construction certificate.
- 3.5 Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with the approved Remedial Action Plan, prepared by EI Australia, titled *Remedial Action Plan*, 153-157 Penshurst Road, Narwee, NSW 2209, dated 9 February 2022, reference no. E23123.E06_Rev1.
- a) State Environmental Planning Policy No. 55 - Remediation of Land;
 - b) The guidelines in force under the Contamination Land Management Act 1997;

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

Any variations to the approved Remediation Action Plan must be submitted to Council prior to the continuing of such work.

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

The validation report must be prepared in accordance with:

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

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

- 3.7 Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 – 'Parking Facilities - Off-Street Carparking' and Council's development control plan.

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

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

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.

- 3.9 The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificate. The BASIX commitments must be reflected in the construction certificate plans and specifications. Any proposed changes to the BASIX commitments after the construction certificate has been issued will require an updated BASIX Certificate.
- 3.10 Before the issue of the relevant construction certificate, the consent holder must submit the following written evidence of service provider requirements to the certifier:
- a. a letter of consent from the relevant electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; and
 - b. a response from the relevant water authority, as to whether the plans proposed to accompany the application for a construction certificate would affect any of 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.
- 3.11 The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued.

- 3.12 Before the issue of a construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with

the following documents before it is provided to and approved by the certifier:

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

The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

3.13 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Before the issue of a construction certificate and occupation certificate the certifier must:

- a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

3.14 Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

- a. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the certifier before the issue of the construction certificate.
- b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

3.15 The consent holder shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:

- a. 1 x Medium Duty VFC at the property boundary within Station Lane.
- b. 2 x stormwater connections to Council's kerb and gutter within Penhurst Road,

- c. A new concrete footway paving along the site's entire frontage to Penshurst Road,
- d. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,
- e. Repair of any damage to the public road including the footway occurring during building works, and
- f. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 3.16 The basement of the development is located adjacent to a Council public road reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's public road.
- 3.17 As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before the issue of any construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a. Dig up, disturb, or clear the surface of a public footway or public road,
- b. Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c. Connect a road (whether public or private) to a classified road,
- d. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e. Install utilities in, under or over a public road,
- f. Pump water into a public footway or public road from any land adjoining the public road,
- g. Erect a structure or carry out a work in, on or over a public road,

- h. Require a work zone on the public road for the unloading and or loading of vehicles,
- i. Pump concrete from within a public road,
- j. Stand a mobile crane within a public road,
- k. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
- l. The work is greater than \$25,000, and
- m. Demolition is proposed.

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

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

- 3.18 Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.

3.19 **DELETED.**

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- 3.20 The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate. The engineer must certify that the hydraulic design complies with the above relevant standards.
- 3.21 Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate.
- 3.22 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 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.

Plan Type	Drawing Number	Date	Prepared By
Stormwater Management Plans	2517-S1/4 to 2517-S4/4	02/12/24	John Romanous & Associates

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- 3.23 The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the certifier before a construction certificate being issued.

Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the certifier before the issue of the construction certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

- 3.24 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 a qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the certifier for approval before the issue of a construction certificate.
- 3.25 Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the property boundary with the street.
- 3.26 Before the issue of any construction certificate for this development, the consent holder must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

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

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

An Agreement to Council's satisfaction, signed by the consent holder/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 before release of any construction certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

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

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

Note: Approval by Council of a SPTMP may take up to six (6) months. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate.

- 3.27 Before the issue of a construction certificate, the consent holder must ensure a Construction Site Management Plan (CSMP) is prepared before it is provided to and approved by the Certifier. The plan must include the following matters:
- a. location and materials for protective fencing and hoardings to the perimeter on the site;
 - b. provisions for public safety;
 - c. pedestrian and vehicular site access points and construction activity zones;
 - d. details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site;
 - e. protective measures for on-site tree preservation (including in accordance with AS 4970 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable);
 - f. details of any bulk earthworks to be carried out;
 - g. location of site storage areas and sheds;
 - h. equipment used to carry out all works;
 - i. a garbage container with a tight-fitting lid;
 - j. dust, noise and vibration control measures; and
 - k. location of temporary toilets.

The consent holder must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

- 3.28 The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The consent holder shall nominate the route for approval by Council before commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by consent holder specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council before release of any construction certificate. All damage must be rectified before the issue of any occupation certificate.
- 3.29 Where required, the consent holder is required to submit to Council the manufacturer's specifications, design and operation of the 'traffic signal' facility to be installed along the driveway access ramp to the basement level. These details shall be illustrated on the plans to be submitted with the construction certificate application. The consent holder shall be responsible for the installation, operation and maintenance of the 'traffic signal' facility at no cost to Council.
- 3.30 Sight triangles are to be marked on relevant plans, being provided at the intersection of the driveway and the property boundary in accordance with

AS 2890.1: 'Figure 3.3 – Minimum Sight Lines for Pedestrian Safety'. A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. Any structures, plantings or fencing within these triangles is to be a maximum height of 600mm to ensure sight lines are kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.

3.31 Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council.

3.32 Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters.

The plan must be prepared:

- a. in accordance with:
 - i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
- b. include the following information:
 - i. the contact details of the person removing waste,
 - ii. an estimate of the type and quantity of waste,
 - iii. whether waste is expected to be reused, recycled or sent to landfill,
 - iv. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

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3.33 The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.

3.34 The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate which identify that the bin carting route from the communal bin storage room to the waste collection point identified on stamped plans complies with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

- a. Is direct and less than 10.0 / 15.0 metres in length,
- b. Has a minimum width of 2.0 metres of hard surface;
- c. Is of non-slip material and free from obstacles and steps;
- d. Is not located within a driveway or carpark;

- e. Has a maximum grade of 1:30 (3%); and
- f. Has a layback installed at the collection point.

3.35 The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
- b. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height. A minimum 2.7m unobstructed room height is required if bin lifting equipment is required;
- d. Must be compatible with the overall design of the development;
- e. Walls must be constructed of solid impervious material;
- f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
- g. Walls, ceiling and floors must be finished in a light colour;
- h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- i. A self-closing door openable from within the room;
- j. Must be constructed to prevent the entry of birds and vermin;
- k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
- l. Any doorways must be 2 metres wide and open outwards; and
- m. Designed to fit the following bin allocations:

Commercial:

Number	Bin Size	Bin Type
4	1,100L	Garbage (Red)
3	1,100L	Recycling (Yellow)

Residential:

Number	Bin Size	Bin Type
6	1,100L	Garbage (Red)
4	1,100L	Recycling (Yellow)
2	240L	Garden (Green)

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3.36 The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the supplementary recycling rooms that comply with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The walls must be constructed of solid impervious material.
- d. The room is to be integrated within the building, a minimum 2.1 metres unobstructed room height is required in accordance with the Building Code of Australia;
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. Any doorways must be 2 metres wide.
- l. Designed to a minimum size of 9m².

3.37 The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bulky waste storage room that comply with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
- b. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. The room is to be integrated within the design and built-form of the development with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
- d. Walls must be constructed of solid impervious material;
- e. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
- f. Walls, ceiling and floors must be finished in a light colour;
- g. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- h. A self-closing door openable from within the room;
- i. Must be constructed to prevent the entry of birds and vermin;
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
- k. Any doorways must be 2 metres wide and open outwards; and
- l. Designed to a minimum size of 4m².

3.38 The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the recycling cupboards that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

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

3.39 The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the waste chutes that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

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

3.40 Before the issue of any construction certificate, the certifier must receive written confirmation from Council, that Council has been provided to its satisfaction with the following:

- a. Detailed plans showing that the waste storage rooms identified on stamped plans will be capable of being accessed from the designed access roadway by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2, and that a loading area is available for the vehicle when collecting waste that meets the following requirements:
 - i. Within 5 metres of the all waste storage rooms or temporary holding area;
 - ii. A separate parking area for the collection vehicle; and
 - iii. Include an extra 2 metres at the rear of the vehicle loading area.
- b. Certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements:
 - i. Heavy Rigid Vehicle can enter and exit the site in a forward position;
 - ii. 30 tonne waste collection vehicles;
 - iii. Turning circle of 25 metres;
 - iv. Length of 12 metres;

- v. Clearance height of 4.5 metres / 6 metres
 - vi. Waste collection vehicle can access the basement, adequately manoeuvre into position, load bins and exit the basement in a forward position;
 - vii. The collection vehicle must be able to manoeuvre in the basement with limited need for reversing;
 - viii. The floor of the basement has been designed to carry the 30-tonne waste collection vehicle; and
 - ix. The gradient is to be suitable for a Heavy Rigid Vehicle as per AS2890.2.
- c. Detailed plans, specifications and other relevant information showing that the turntable identified on stamped plans:
- i. Complies with required dimensions for an HRV as per AS2890.2, including the diameter for the turntable and required clearance heights;
 - ii. Will always be available to waste collection vehicles; and
 - iii. Will be installed, operated and serviced on an ongoing basis, at no cost to Council.

3.41 Before the issue of a construction certificate, the certifier is to ensure that all carpark exhaust does not directly vent into private or communal open space.

3.42 A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must be prepared in accordance with Canterbury DCP 2012 and must include the following features, notations and specifications:

- a. The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,
- b. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
- c. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any),
- d. Details of drainage and watering systems (if any),
- e. A Landscape maintenance schedule period of 12 months is to be applied to this development. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan,
- f. All the tree supply stocks shall comply with the guidance given in the publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003),
- g. All scheduled plant stock shall be pre-ordered, before issue of construction certificate or 3 months before the commencement of landscape works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council before issue of any construction certificate. The order

confirmation shall include name, address and contact details of supplier; and expected supply date, and

h. **DELETED.**

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- 3.43 A site wide landscape management plan is to be submitted to and approved by the certifier before the issue of a construction certificate. The plan is to address the communal open space and any site-wide maintenance requirements. The plan is to demonstrate who is responsible for and how the landscape features will be installed and detail the responsibility of ongoing maintenance of the landscaping. 3 street trees in the Council footpath area.
- 3.44 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.
- 3.45 A construction certificate 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 9 of SEPP (Housing) 2021.

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- 3.46 No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:
- Not be located on awnings or attached to the face of the building,
 - Not be located on roofs in such a way that it is visible from any street, footpath or park,
 - Be visually screened if located 1.8 metres above ground level in other locations, and
 - Wiring shall be fully concealed.

All construction certificate documentation is to demonstrate compliance with these requirements.

- 3.47 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 certifier before the issue of a construction certificate.

3.48 All hydrant boosters and associated services and shield walls are to be contained within cabinets and / or designed to match the appearance of the main structure of the development.

3.49 All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.

4 Conditions to be Satisfied Before Construction

4.1 Prior to demolition, a Hazardous Material Management Plan is to be developed by a Type “A” inspection body accredited by NATA. This Plan shall incorporate all recommendations in the report titled ‘Hazardous Materials Survey, 153-157 Penshurst Road, Narwee, NSW 2209’ prepared by EI Australia, dated 14 February 2022, reference no. E23123.E10.Rev1.

All recommendations contained within this Hazardous Material Management Plan are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of a Construction Certificate.

4.2 The demolition of all structures on the property must be undertaken in accordance with all the following:

- a. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date,
- b. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,
- c. Inspections being undertaken by Council including:
 - i. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and before demolition work commencing, and
 - ii. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,
- d. Payment of an inspection fee at Council’s current rate must be paid before inspection. Council requires 48 hours’ notice to carry out an inspection,
- e. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,
- f. All demolition work must be carried out in accordance with Australian Standard 2601 – ‘The Demolition of Structures’,

- g. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,
- h. An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work,
- i. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,
- j. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,
- k. Adhere to the requirements stipulated in the approved Waste Management Plan, and
- l. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.

A copy of the final demolition inspection report must be submitted to the principal certifier before the commencement of any building work.

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

This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.

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

- a. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier,
- b. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work,
- c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
- d. the consent holder, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifier of the appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,

- e. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.
- 4.4 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the consent holder 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.
- 4.5 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 before the commencement of building work/s.
- 4.6 Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works.
- 4.7 Before the commencement of work, the consent holder 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.
- 4.8 Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 4.9 **DELETED.**

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- 4.10 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.
- 4.11 A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- i. showing the name, address and telephone number of the principal certifier for the work, and
- ii. 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
- iii. 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 and must be removed when the work has been completed.

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

- 4.12 In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 4.13 Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- a. In the case of work for which a principal contractor is required to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. In the case of work to be done by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 4.14 Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

5 Conditions to be Satisfied During Construction

- 5.1 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.

- 5.2 All excavations must be kept free from the accumulation of water.
- 5.3 Council may also request that an NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.
- 5.4 All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the 'Waste Classification Guidelines' (NSW EPA, 2014), prior to off-site disposal.

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

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

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

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

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

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

- 5.6 While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 5.7 Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 5.8 While building work is being carried out, the consent holder must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- 5.9 Site work must only be carried out between the following times:
- 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.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Amended DA-1480/2024

- 5.10 While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.

Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out.

Amended DA-1480/2024

- 5.11 While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier
- a. All footings/ foundations
 - c. At other stages of construction – any marks that are required by the principal certifier.
- 5.12 All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.

Amended DA-1480/2024

- 5.13 The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder 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.

Amended DA-1480/2024

- 5.14 A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 5.15 While building work is being carried out, the consent holder must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
- 5.16 All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the consent holder must, at their 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 consent condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

- 5.17 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 consent holder must, at their 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 consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- 5.18 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. Should it be required, separate approval must be obtained for retaining walls.
- 5.19 No work may be carried out to construct the ground floor slab unless the principal certifier is satisfied and provides evidence to Council of that satisfaction that the waste facilities within the basement comply with the specifications of the stamped plans. Council can be contacted on 9707 9000.
- 5.20 While site work is being carried out:
 - a. all waste management must be undertaken in accordance with the waste management plan, and
 - b. upon disposal of waste, records of the disposal must be compiled and provided to, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Amended DA-1480/2024

- 5.21 The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:
 - a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*; and
 - 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*; and

- 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; and
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
- 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; and
- f. All materials and resources that are to be stored on site during construction works are contained on the site; and
- g. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
- h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

5.22 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 principal 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 consent holder 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.

5.23 There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

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

- 5.25 The carwash bay is to be bunded and connected to the sewer system to dispose of wastewater in accordance with the requirements contained in Council's Development Engineering Standards.

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- 5.26 While site work is being carried out:
- a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and
 - b. a copy of these plans must be kept on site at all times and made available to council officers upon request.

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- 5.27 While site or building work is being carried out, the consent holder must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970 – 'Protection of trees on development sites' and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

- 5.28 All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – 'Pruning of amenity trees' and Australian Standard AS 4970 – 'Protection of trees on development sites'. Site specific conditions relating to tree protection shall take precedence over this requirement.

- 5.29 If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.

- 5.30 While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:
- a. the work in the area of the discovery must cease immediately;
 - b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or
- b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

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6 Conditions to be Satisfied Before Occupation

- 6.1 The Principal Certifying Authority shall obtain an acoustic validation report from an appropriately qualified acoustic consultant, not previously involved in the development, stating that the recommendations outlined in the acoustic report prepared by Pulse White Noise Acoustic Pty Ltd, titled 153-159 Penshurst Road, Narwee DA Acoustic Assessment, dated 10 February 2022, Report No. 220041, have been implemented and that relevant noise criteria as well as the recommendations has been satisfied, prior to the issue of any Occupation Certificate.

A copy of the acoustic validation report shall be provided to Canterbury Bankstown Council prior to the issue of any Occupation Certificate.

- 6.2 The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 6.3 A final Plan of Management (POM) is to be submitted to Council for approval. The Plan of Management must address the ongoing management and operational aspects of the boarding house, including waste minimisation and recycling.
- 6.4 51 off-street car parking spaces, of which a minimum 38 residential spaces, a minimum 6 visitor spaces, and a minimum 6 retail spaces, shall be provided. All spaces are to be sealed and line marked and maintained for the lifetime of the development.

Note: 7 of the required 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.

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- 6.5 Accessible car parking spaces for people with mobility impairment allocated to residential units are only to be allocated to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

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- 6.6 Before the issue of an occupation certificate, the principal certifier must ensure that no portion of the approved structure, including gates and doors during opening and closing operations, provides for encroachment upon Council's footpath area.
- 6.7 A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level at each level, the height of external walls, the maximum reduced level (RL) of roof structures / roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans.
- 6.8 Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
 - the consent holder has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – 'Preservation of Survey Infrastructure'.
- 6.9 Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:
- After comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 - Where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s) at the following properties:

- 135 – 141 Penshurst Road, Narwee
- 159 Penhurst Road, Narwee

- 6.10 Before the issue of an occupation certificate, the principal certifier must ensure that the car park is ventilated in accordance with the Building Code

of Australia and, where necessary, Australian Standard AS 1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

- 6.11 Before the issue of the relevant occupation certificate, the consent holder must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming compliance with Council's Development Engineering Standards.

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

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- 6.12 Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the principal certifier must request written confirmation from the relevant authority that the relevant services have been completed.

- 6.13 The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the principal certifier before the issue of an occupation certificate.

- 6.14 Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier.

- 6.15 An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).

- 6.16 Before the issue of an occupation certificate:

- a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
- b. if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

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- 6.17 Before the issue of the relevant occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:
- a. All stormwater drainage systems and storage systems, and
 - b. The following matters that council requires to be documented in accordance with the Councils relevant Development Control Plan.
 - c. A copy of the plans must be provided to council with the occupation certificate.

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- 6.18 Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, before the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Bankstown Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.
- 6.19 The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
- a. Compelling drivers to stop before proceeding onto the public way
 - b. Compelling drivers to "*Give Way to Pedestrians*" before crossing the footway; or compelling drivers to "*Give Way to Pedestrians and Bicycles*" before crossing a footway on an existing or identified shared path route.
- 6.20 Before the issue of an occupation certificate, the principal certifier is to ensure that the traffic signalling system required has been installed to the following specifications:
- a. The system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s).
 - b. The system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

- 6.21 No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent.
- 6.22 Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste.
- 6.23 Before the issue of an occupation certificate:
- a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and
 - b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

Amended DA-1480/2024

- 6.24 Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

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- 6.25 Before the issue of an occupation certificate, the principal certifier must ensure that access to the residential lobby is secured through a key card, swipe card, intercom or other method to restrict access to the lobby to only residents or visitors.
- 6.26 Before the issue of an occupation certificate, the principal certifier must ensure that the letterboxes installed have non-master key locks, to prevent theft and fraud.
- 6.27 Before the issue of an occupation certificate, the principal certifier is to ensure that on-site CCTV surveillance cameras have been strategically installed and that they will operate and be maintained throughout the development with particular coverage to:
- a. principal entrance/s and exits;
 - b. all areas within the premise occupied by the public (excluding toilets);
 - c. staircases in multilevel premises; and
 - d. the area within a 10m radius external to the public entrance(s) to the premise.

Installation of the surveillance system is to ensure suitable and clearly visible signage is displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering

not less than 50mm in height with the words "Closed Circuit Television in use on these premises".

All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.

CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

All CCTV recording devices and cameras shall be regularly checked to ensure the equipment is operating correctly. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour before opening and closing times of the premises.

The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

- 6.28 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.
- 6.29 Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – 'The Control of the Obtrusive Effects of Outdoor Lighting'.
- 6.30 Before the issue of any occupation certificate a design verification from a qualified designer shall be submitted to the principal certifier. The design verification is a statement in which the qualified designer verifies that the

development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Schedule 9 of the SEPP (Housing) 2021.

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- 6.31 Final registration of the consolidation of the existing allotments shall be finalised before the issue of any occupation certificate.

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7 Conditions of Use

- 7.1 The communal open space and bathroom facilities and residential lobby area must be available for the use all residents of the building, and must be operated as common property on any strata subdivision of the site, with no exclusive use rights given.

Amended DA-1480/2024

- 7.2 The use of the outdoor communal area(s) is subject to the following restrictions:
- a) Hour of use is limited to 7.00am to 10.00pm, Monday to Saturday and 8.00am to 10.00pm, Sunday and Public Holidays.
 - b) Limited to a maximum of 20 people at any one time.
 - c) Music and other amplified sound are not permitted.

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

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997. All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.

- 7.4 No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces

which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats.

- 7.5 No approval is granted or implied for the use of any roof element (other than the approved communal open space area) for any purpose other than for gaining access to carry out maintenance or repairs.

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- 7.6 The approved car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

- 7.7 The designated car wash bay(s) must be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water.

- 7.8 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.

- 7.9 **DELETED.**

Amended DA-1480/2024

- 7.10 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).

- 7.11 Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

- 7.12 Should a noise issue (relating to the development) not previously identified arise (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the noise issue. A copy of this acoustic assessment report must be submitted to Council for approval and

from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.

7.13 The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.

7.14 Music and other amplified sound played on the premises must not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output must not exceed five (5) dB(A) above the ambient background level at the boundary of the premises.

Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed to direct the playing of music towards the outdoor areas associated with the premises.

7.15 During occupation and ongoing use of the building, the consent holder must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

7.16 Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway. This is to ensure that vehicles entering the site do not have to wait at the top of the ramp, and vehicles wishing to exit the site must wait for entering vehicle in the basement at the waiting bay.

7.17 All vehicles associated with the development are to enter and exit the site in a forward direction.

7.18 The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.

7.19 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.

- 7.20 The development must be carried out in compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline".
- 7.21 No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 7.22 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.
- 7.23 The parking spaces referred to in condition 6.4 to be allocated and maintained as referred to in condition 6.4

- END -

Attachment 2 - Conditions of Development Consent - DA-1480-2024

Explanatory Note

Modification of Development Consent DA-157/2022

Development consent was granted by Canterbury Bankstown Council on 1 May 2023 for DA-157/2022 'Demolition of existing structures and construction of an 8-storey shop top housing development comprising 3 levels of basement parking, ground floor commercial premises, and 33 residential apartments'.

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-157/2022 dated 1 May 2023 is to be modified as necessary so that DA-157/2022 is consistent with this development consent for DA-1480/2024.

Pursuant to section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979*, development consent DA-157/2022 is modified as provided in Annexure A.

For this modification to take effect, the requirements of Clause 67 of the Environmental Planning and Assessment Regulation 2021 need to be followed (i.e. a written request for modification of the development consent DA-157/2022 is required).

Prior to the issue of any Construction Certificate, the applicant must provide a written notice of modification in accordance with the requirements of s.4.17(5) of the *Environmental Planning and Assessment Act 1979* and c.67 of the Environmental Planning and Assessment Regulation 2021, providing details of the modification of Development Consent DA-157/2022.

The following conditions of consent have been made in respect of Development Consent DA-1480/2024. Conditions forming part of this development consent are listed below.

GENERAL CONDITIONS

Number	Condition																																																																																																				
1.	Approved plans and supporting documentation																																																																																																				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.																																																																																																				
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	Approved documents			
	Document title	Project number	Prepared by	Date of document
	Landscape Plans: Drawings IS0215DA1 to IS0215DA4	IS0215 – Revision C	Isthmus Landscape Design	13/02/2025
	<p>The recommendations contained within the following supporting documentation are to form part of this determination notice except where the conditions of this consent expressly require otherwise.</p> <p>a. All recommendations contained within Section 6 the Hazardous Materials Survey, prepared by eiaustralia, dated 14 February 2022, Report No. E23123.E10.Rev1 are to form conditions of consent.</p> <p>b. All recommendations contained within Section 4 the Geotechnical Investigation Report – 153-159 Penshurst Road, Narwee NSW, prepared by eiaustralia, dated 11 February 2022, Report No. E23123 GA_Rev3 are to form conditions of consent.</p> <p>c. All recommendations contained within the Remediation Action Plan – 153-159 Penshurst Road, Narwee NSW, prepared by eiaustralia, dated 9 February 2022, Report No. E23123.E06_Rev1 are to form conditions of consent.</p> <p>d. All recommendations contained within Section 11 the Detailed Site Investigation Report – 153-159 Penshurst Road, Narwee NSW, prepared by eiaustralia, dated 9 February 2022, Report No. E23123 E02_Rev2 are to form conditions of consent.</p> <p>e. All recommendations contained within the DA Acoustic Assessment - 153-159 Penshurst Road, Narwee NSW, prepared by Pulse White Noise Acoustic, dated 10 February 2022, Report No. 220041 are to form conditions of consent.</p> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p style="text-align: right;">1.101.S</p>			
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.			
2.	Design amendments			
	<p>Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation:</p> <p>a. The allocation of car parking spaces on Basement Level B1 is to be amended to provide a minimum 6 retail spaces, a minimum 6 visitor spaces, and a minimum 2 residential spaces. The security shutter is to be located so that it separates the non-residential parking from the residential parking.</p>			

	b. The storage cages allocated to the adaptable apartments are to be located adjacent their respective car parking space/s.
	Condition reason: To ensure the orderly development of land.
3.	CONDITION DELETED.
4.	No Use Granted
	No approval is granted for use of the ground floor retail units through this determination notice. Separate consent through a new development application to Council is required before any use of the units, unless where exempt or complying in accordance with the relevant legislation.
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
4A.	Rooftop Amendments
	(a) A disabled toilet is to be provided in the roof top communal open space.
	(b) Delete the part of the roof that extends over the lightwell on the north side of the building and the area shaded green on level 7 outside apartment 7.03's bathroom to allow for light penetration into the building in accordance with the Apartment Design Guide.
	(c) Details of (a) and (b) to be in the approved construction certificate plans.
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

5.	Development Contributions, section 7.11								
	<u>Development Contributions of \$158,998.55 must be paid for this development before the issue of any construction certificate.</u> The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> . 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:								
	<table border="1"> <tr> <td>LGA Open space and recreation facilities</td><td>\$100,711.06</td></tr> <tr> <td>LGA Access and public domain facilities</td><td>\$28,367.02</td></tr> <tr> <td>LGA Community and cultural facilities</td><td>\$27,570.85</td></tr> <tr> <td>Plan management and administration</td><td>\$2,349.62</td></tr> </table>	LGA Open space and recreation facilities	\$100,711.06	LGA Access and public domain facilities	\$28,367.02	LGA Community and cultural facilities	\$27,570.85	Plan management and administration	\$2,349.62
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	<u>Indexing of the contribution amount to be paid:</u> 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.								
	<u>No construction certificate is to be issued and no construction is to commence until payment of development contributions.</u> The contribution must be paid to Council before the issue of any Construction Certificate. Construction of the development may NOT commence until the development contributions are paid.								

	<p>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.</p> <p>NOTE: <u>Development contribution amounts are non-refundable if you do not proceed with your development.</u></p> <p>NOTE: <u>Condition 5 of DA-1480/2024 and Condition 3.1A of DA-157/2022 both require payment of this contribution, however the contribution only needs to be paid once.</u></p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>								
5A.	<p>Development Contributions from DA-157/2022</p> <p>Development Contributions of \$476,311.00 must be paid for this development before the issue of any construction certificate. The contributions are levied under Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i>. 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:</p> <table border="1"> <tr> <td>LGA Open space and recreation facilities</td><td>\$301,698.00</td></tr> <tr> <td>LGA Access and public domain facilities</td><td>\$84,983.00</td></tr> <tr> <td>LGA Community and cultural facilities</td><td>\$82,593.00</td></tr> <tr> <td>Plan management and administration</td><td>\$7,037.00</td></tr> </table> <p>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.</p> <p><u>No construction certificate is to be issued and no construction is to commence until payment of development contributions.</u> The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid.</p> <p>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.</p> <p>NOTE: <u>Development contribution amounts are non-refundable if you do not proceed with your development.</u></p> <p>NOTE: <u>Condition 3.1 of DA-157/2022 and Condition 5A of DA-1480/2024 both require payment of this contribution, however the contribution only needs to be paid once.</u></p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>	LGA Open space and recreation facilities	\$301,698.00	LGA Access and public domain facilities	\$84,983.00	LGA Community and cultural facilities	\$82,593.00	Plan management and administration	\$7,037.00
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6.	<p>Housing and Productivity Contribution</p> <p>Before the issue of the first construction certificate issued as part of this consent, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1" data-bbox="360 376 1347 488"> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> <tr> <td>Housing and productivity contribution (base component)</td><td>\$30,000.00</td></tr> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>NOTE: <u>Condition 3.1B of DA-157/2022 and Condition 6 of DA-1480/2024 both require payment of this contribution, however the contribution only needs to be paid once.</u></p> <p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$30,000.00
Housing and productivity contribution	Amount				
Housing and productivity contribution (base component)	\$30,000.00				
7.	<p>Payment of fees</p> <p>Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.</p> <ul style="list-style-type: none"> a. Levies b. Bonds c. Contributions d. Inspection fees. <p style="text-align: right;">2.103.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>				
8.	<p>Long Service Levy</p> <p>Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction Industry Long Service Payments Act 1986</i>, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at https://longservice.force.com/bci/s/levy-calculator. Payment must be made via the <u>Long Service Levy Portal</u> at https://www.longservice.nsw.gov.au.</p> <p style="text-align: right;">2.104.S</p>				

	Condition reason: To ensure compliance with the relevant New South Wales legislation.
9.	<p>Construction cranes may require separate approval</p> <p>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 above the proposed development and consequently, may require separate approval under the Regulations. It is advisable that approval to operate equipment (i.e. cranes) be obtained before the issue of any construction certificate.</p> <p>2.105</p> <p>Condition reason: To ensure adequate approval of crane use.</p>
10.	<p>Car parking details</p> <p>Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 – <i>'Parking Facilities - Off-Street Carparking'</i> and Council's development control plan.</p> <p>2.110.S</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
11.	<p>Access intercom</p> <p>Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry. The intercom is to be wired to all units.</p> <p>The intercom must comply with Australian Standard AS 1428.2: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.</p> <p>2.111</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
12.	<p>Bicycle parking spaces</p> <p>Ten (10) bicycle parking spaces are to be provided for the development. The layout, design and security of the bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – <i>'Parking Facilities' Part 3: Bicycle Parking Facilities</i> and <i>'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.'</i></p> <p>2.11</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
13.	<p>Submit plans to Sydney Water</p> <p>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™.</p> <p>Refer to www.sydneywater.com.au/tapin for Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPINTM.</p>

	<p>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.</p> <p style="text-align: right;">2.202.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
14.	<p>BASIX Certificate</p> <p>The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificate. The BASIX commitments must be reflected in the construction certificate plans and specifications. Any proposed changes to the BASIX commitments after the construction certificate has been issued will require an updated BASIX Certificate.</p> <p style="text-align: right;">2.206</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
15.	<p>Utilities and services</p> <p>Before the issue of the relevant construction certificate, the consent holder must submit the following written evidence of service provider requirements to the certifier:</p> <ol style="list-style-type: none"> a letter of consent from the relevant electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; and a response from the relevant water authority, as to whether the plans proposed to accompany the application for a construction certificate would affect any of the relevant water authority infrastructure, and whether further requirements need to be met; and 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 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. <p style="text-align: right;">2.207</p>
	<p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
16.	<p>Mobility access</p> <p>The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia.</p> <p>If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued.</p> <p style="text-align: right;">2.208</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
17.	<p>Adaptable units</p> <p>Before the issue of the relevant construction certificate, the consent holder must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings</p>

	<p>specified in the approved plans or supporting documentation comply with the provisions of AS 4299 – ‘<i>Adaptable Housing Standards</i>’.</p> <p style="text-align: right;">2.210.S</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
18.	<p>Erosion and sediment control plan</p> <p>Before the issue of a construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ol style="list-style-type: none"> Council’s development control plan, the guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book), and 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). <p>The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p style="text-align: right;">2.211.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
19.	<p>Retaining walls</p> <p>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.</p> <ol style="list-style-type: none"> 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 before the issue of the construction certificate. <p>All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.</p> <p style="text-align: right;">2.301</p>
	<p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
20.	<p>Apply for Work Permit for engineering works</p> <p>The consent holder shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:</p> <ol style="list-style-type: none"> 1 x Medium Duty VFC at the property boundary within Station Lane. 2 x stormwater connections to Council’s kerb and gutter within Penhurst Road, A new concrete footway paving along the site’s entire frontage to Penshurst Road, Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs, Repair of any damage to the public road including the footway occurring during building works, and

	<p>f. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.</p> <p>Note: Council is required to prepare a site survey and design in order to determine the necessary information. The consent holder should make application and payment for the Work Permit at least twenty-one (21) days before the information being required and before the issue of the construction certificate. The Work Permit must be approved before any works commencing within the Council Road Reserve or on Council's assets.</p> <p style="text-align: right;">2.302</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
<p>21.</p>	<p>Basement anchoring</p> <p>The basement of the development is located adjacent to a Council public road reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's public road.</p> <p style="text-align: right;">2.303</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
<p>22.</p>	<p>Works requiring a Work Permit</p> <p>As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before issue of any construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:</p> <p>A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS WORKS REQUIRING A 'WORKS PERMIT'</p> <ol style="list-style-type: none"> a. Dig up, disturb, or clear the surface of a public footway or public road, b. Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road, c. Connect a road (whether public or private) to a classified road, d. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road, e. Install utilities in, under or over a public road, f. Pump water into a public footway or public road from any land adjoining the public road, g. Erect a structure or carry out a work in, on or over a public road, h. Require a work zone on the public road for the unloading and or loading of vehicles, i. Pump concrete from within a public road, j. Stand a mobile crane within a public road, k. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road, l. The work is greater than \$25,000, and m. Demolition is proposed.

	<p>The consent holder shall construct all works approved within the public road and footway under the supervision and to the satisfaction of Council and shall arrange for necessary inspections by Council whilst the work is in progress.</p> <p>The consent holder shall ensure that the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars and shall provide proof of the policy to Council, before commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.</p> <p style="text-align: right;">2.304</p>								
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.								
23.	<p>Finished surface levels</p> <p>Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.</p> <p style="text-align: right;">2.304</p>								
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.								
24.	<p>Stormwater drainage</p> <p>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 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.</p> <table><tr><th>Plan Type</th><th>Drawing Number</th><th>Date</th><th>Prepared By</th></tr><tr><td>Stormwater Management Plans</td><td>2517-S1/4 to 2517-S4/4</td><td>02/12/24</td><td>John Romanous & Associates</td></tr></table> <p style="text-align: right;">2.306</p>	Plan Type	Drawing Number	Date	Prepared By	Stormwater Management Plans	2517-S1/4 to 2517-S4/4	02/12/24	John Romanous & Associates
Plan Type	Drawing Number	Date	Prepared By						
Stormwater Management Plans	2517-S1/4 to 2517-S4/4	02/12/24	John Romanous & Associates						
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.								
25.	<p>Pump out system</p> <p>The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Development Engineering Standards. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate. The engineer must certify that the hydraulic design complies with the above relevant standards.</p> <p style="text-align: right;">2.308</p>								
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.								

26.	<p>Pump plans and details</p> <p>Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate.</p> <p style="text-align: right;">2.309</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
27.	<p>Driveway design</p> <p>The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the certifier before a construction certificate being issued.</p> <p>Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the certifier before the issue of the construction certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.</p> <p style="text-align: right;">2.313</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
28.	<p>Traffic Management Plan</p> <p>Before the issue of any construction certificate for this development, the consent holder must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.</p> <p>A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN</p> <p>This plan shall include details of the following:</p> <ol style="list-style-type: none"> Proposed ingress and egress points for vehicles to and from the construction site; Proposed protection of pedestrians, adjacent to the constructions site; Proposed pedestrian management whilst vehicles are entering/exiting the construction site; Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period; 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 Transport for New South Wales (TfNSW) requirements and AS1742.3 Traffic control devices for works on roads;

	<p>f. Proposed route for transportation of bulk and excavation materials to and from the development site.</p> <p>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.</p> <p>An Agreement to Council's satisfaction, signed by the consent holder/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 before release of any construction certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.</p> <p>The approved Site, Pedestrian and Traffic Management Plan is to be implemented before the commencement of any works on the construction site.</p> <p>In addition, a TfNSW Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.</p> <p>Note: Approval by Council of a SPTMP may take up to six (6) months. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate.</p> <p style="text-align: right;">2.318</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
29.	<p>Return bins to Council</p> <p>Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council.</p> <p style="text-align: right;">2.501</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
30.	<p>Waste Management Plan</p> <p>Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters:</p> <p>The plan must be prepared</p> <p>a. in accordance with:</p> <ol style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and <p>b. include the following information—</p> <ol style="list-style-type: none"> i. the contact details of the person removing waste, ii. an estimate of the type and quantity of waste,

	<p>iii. whether waste is expected to be reused, recycled or sent to landfill, iv. the address of the disposal location for waste.</p> <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p style="text-align: right;">2.502</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
31.	<p>Plans to include bin storage area</p> <p>The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.</p> <p style="text-align: right;">2.503</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
32.	<p>Bin carting route</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate which identify that the bin carting route from the communal bin storage room to the waste collection point identified on stamped plans complies with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <ol style="list-style-type: none"> Is direct and less than 10.0 / 15.0 metres in length; Has a minimum width of 2.0 metres of hard surface; Is of non-slip material and free from obstacles and steps; Is not located within a driveway or carpark; Has a maximum grade of 1:30 (3%); and Has a layback installed at the collection point. <p style="text-align: right;">2.504</p>
	<p>Condition reason: To ensure the orderly collection of waste from the site.</p>
33.	<p>Communal bin storage room</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <ol style="list-style-type: none"> Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting; Floors must be finished so as to be non-slip with a smooth and even surface; A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height. A minimum 2.7m unobstructed room height is required if bin lifting equipment is required; Must be compatible with the overall design of the development; Walls must be constructed of solid impervious material; Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned; Walls, ceiling and floors must be finished in a light colour; An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room; A self-closing door openable from within the room; Must be constructed to prevent the entry of birds and vermin;

	<p>k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;</p> <p>l. Any doorways must be 2 metres wide and open outwards; and</p> <p>m. Designed to fit the following bin allocations:</p> <p>Commercial:</p> <table><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr><tr><td>4</td><td>1,100L</td><td>Garbage (Red)</td></tr><tr><td>3</td><td>1,100L</td><td>Recycling (Yellow)</td></tr></table> <p>Residential:</p> <table><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr><tr><td>6</td><td>1,100L</td><td>Garbage (Red)</td></tr><tr><td>4</td><td>1,100L</td><td>Recycling (Yellow)</td></tr><tr><td>2</td><td>240L</td><td>Garden (Green)</td></tr></table> <p style="text-align: right;">2.505</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>	Number	Bin Size	Bin Type	4	1,100L	Garbage (Red)	3	1,100L	Recycling (Yellow)	Number	Bin Size	Bin Type	6	1,100L	Garbage (Red)	4	1,100L	Recycling (Yellow)	2	240L	Garden (Green)
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4	1,100L	Recycling (Yellow)																				
2	240L	Garden (Green)																				
34.	<p>Bulky waste storage room</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bulky waste storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <ul style="list-style-type: none">a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;b. Floors must be finished so as to be non-slip with a smooth and even surface;c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height;d. Must be compatible with the overall design of the development;e. Walls must be constructed of solid impervious material;f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;g. Walls, ceiling and floors must be finished in a light colour;h. A self-closing door openable from within the room;i. Must be constructed to prevent the entry of birds and vermin;j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;k. Any doorways must be 2 metres wide roller door; andl. Designed to a minimum size of 5m². <p style="text-align: right;">2.507</p> <p>Condition reason: To ensure the orderly collection of waste from the site.</p>																					
35.	<p>Temporary bin collection area</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the temporary bin collection area that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <p>(For Collect and Return)</p> <ul style="list-style-type: none">a. Located less than 30 metres from the communal bin storage room;b. Located on the ground floor;c. Within 10 metres from the nominated kerbside collection point;																					

	<ul style="list-style-type: none"> d. Any doorways a minimum width of 2.0 metres; e. Be located fully within the property; f. Be of sufficient size to accommodate all bins with additional room for manoeuvring (minimum aisle space of 1.5 metres and 15cm between bins); and g. Be clearly separated from car parking bays, footpaths and landscaped areas. <p style="text-align: right;">2.508</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
36.	<p>Waste cupboards</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the recycling cupboards that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <ul style="list-style-type: none"> a. Maximum distance of 30 metres from all dwellings; b. Access is to be in accordance with AS 1428 (Set): 'Design for access and mobility'; c. Located directly adjacent to the chute hopper and contain only recycling bins; d. Must be of adequate size to accommodate enough recycling bins, which allows for three days of recycling generated by the number of dwellings on that floor; e. Designed to fit 240L bins facing forward; f. Designed so the doors are of sufficient width to allow the transfer/rotation of 240L bins; and g. The floor is to be constructed of a durable and impervious material with a smooth finish. <p style="text-align: right;">2.509</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
37.	<p>Waste chute</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the waste chutes that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <ul style="list-style-type: none"> a. Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material b. Chute is cylindrical in section, vertical and without bends as it passes through the floors c. Chutes must terminate in the waste storage room and discharge into a waste bin d. Comply with manufactures technical specifications and operational limitations. <p style="text-align: right;">2.510</p>
	Condition reason: To ensure the orderly collection of waste within the site.
38.	<p>Carpark exhaust</p> <p>Before the issue of a construction certificate, the certifier is to ensure that all carpark exhaust does not directly vent into private or communal open space.</p> <p style="text-align: right;">2.611</p>
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.

39.	<p>Landscape plan</p> <p>A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must be prepared in accordance with Council's DCP 2023 and must include the following features, notations and specifications:</p> <ul style="list-style-type: none"> a. The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features, b. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes, c. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), d. Details of drainage and watering systems (if any), e. A Landscape maintenance schedule period of 12 months is to be applied to this development. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan, f. All the tree supply stocks shall comply with the guidance given in the publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003), g. All scheduled plant stock shall be pre-ordered, before issue of construction certificate or 3 months before the commencement of landscape works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council before issue of any construction certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date, and h. DELETED. <p style="text-align: right;">2.701</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
40.	<p>Landscape management</p> <p>A site wide landscape management plan is to be submitted to and approved by the certifier before the issue of a construction certificate. The plan is to address the communal open space and any site-wide maintenance requirements. The plan is to demonstrate who is responsible for and how the landscape features will be installed and detail the responsibility of ongoing maintenance of the landscaping. 3 street trees in the Council footpath area.</p> <p style="text-align: right;">2.705</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
41.	<p>Design verification</p> <p>A construction certificate 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 9 of SEPP (Housing) 2021.</p> <p style="text-align: right;">2.901</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>

42.	No air-conditioning units visible
	<p>No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:</p> <ol style="list-style-type: none"> Not be located on awnings or attached to the face of the building, Not be located on roofs in such a way that it is visible from any street, footpath or park, Be visually screened if located 1.8 metres above ground level in other locations, and Wiring shall be fully concealed. <p>All construction certificate documentation is to demonstrate compliance with these requirements.</p> <p style="text-align: right;">2.902</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
43.	Air-conditioning units – BASIX requirements
	<p>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 certifier before the issue of a construction certificate.</p> <p style="text-align: right;">2.903</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
44.	Hydrant boosters on plans
	<p>All hydrant boosters and associated services and shield walls are to be contained within cabinets and / or designed to match the appearance of the main structure of the development.</p> <p style="text-align: right;">2.904</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
45.	Rooftop equipment
	<p>All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.</p> <p style="text-align: right;">2.905</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

BEFORE BUILDING WORK COMMENCES

46.	Certifier details
	A construction certificate is required for the erection of a building in accordance with this Determination Notice.
	This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.
	The following requirements apply before the commencement of building work in accordance with this Determination Notice:

	<p>a. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier,</p> <p>b. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work,</p> <p>c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,</p> <p>d. the consent holder, if not carrying out the work as an owner-builder, has:</p> <ul style="list-style-type: none"> i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and ii. notified the principal certifier of the appointment, and iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work, <p>e. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.</p> <p style="text-align: right;">3.202</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
47.	<p>Section 73 Compliance Certificate</p> <p>A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water. It is recommended that the consent holder 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.</p> <p style="text-align: right;">3.203</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
48.	<p>Temporary fence or hoarding</p> <p>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.</p> <p>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 before the commencement of building work/s.</p> <p style="text-align: right;">3.204</p>
49.	<p>WC temporary toilet facilities on site</p> <p>Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not</p>

	adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period. 3.206
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
50.	Install erosion control Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). 3.207
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
51.	Soil and water management warning sign 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. 3.208
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
52.	Sign with principal certifier details A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work or demolition work is being carried out and 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. 3.209.P
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
53.	Contract of insurance In the case of residential building work for which the <i>Home Building Act 1989</i> requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. 3.210.P
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

54.	<p>Residential building work</p> <p>Residential building work within the meaning of the <i>Home Building Act 1989</i> must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —</p> <ol style="list-style-type: none"> a. In the case of work for which a principal contractor is required to be appointed— <ol style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer by which the work is insured under Part 6 of that Act, b. In the case of work to be done by an owner-builder— <ol style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p style="text-align: right;">3.211.P</p> <p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
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DURING BUILDING WORK

55.	<p>Procedure for Critical Stage Inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p style="text-align: right;">4.101.S</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
56.	<p>Works in accordance with Building Code of Australia (BCA)</p> <p>Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).</p> <p style="text-align: right;">4.201.P</p> <p>Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).</p>
57.	<p>BASIX commitments</p> <p>While building work is being carried out, the consent holder must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.</p> <p style="text-align: right;">4.203.P</p> <p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
58.	<p>Hours of work</p> <p>Site work must only be carried out between the following times —</p> <ol style="list-style-type: none"> 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.

	<p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p style="text-align: right;">4.204.S</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
59.	<p>Noise and vibration</p> <p>While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.</p> <p>Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out.</p> <p style="text-align: right;">4.205.S</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites</p>
60.	<p>Surveys by a registered surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ol style="list-style-type: none"> All footings / foundations in relation to the site boundaries and any registered and proposed easements At other stages of construction – any marks that are required by the principal certifier. <p style="text-align: right;">4.206.S</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
61.	<p>Civil and hydraulic engineering works</p> <p>All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.</p> <p style="text-align: right;">4.301</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
62.	<p>Stormwater drainage system</p> <p>The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder 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.</p> <p style="text-align: right;">4.302</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>

63.	<p>Driveway adequacy</p> <p>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.</p> <p style="text-align: right;">4.306</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
64.	<p>Responsibility for changes to public infrastructure</p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p style="text-align: right;">4.307.S</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
65.	<p>Retaining walls</p> <p>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. Should it be required, separate approval must be obtained for retaining walls.</p> <p style="text-align: right;">4.310</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
66.	<p>Inspection by resource recovery</p> <p>No work may be carried out to construct the ground floor slab unless the principal certifier is satisfied and provides evidence to Council of that satisfaction that the waste facilities within the basement comply with the specifications of the stamped plans. Council can be contacted on 9707 9000.</p> <p style="text-align: right;">4.501</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
67.	<p>Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a. all waste management must be undertaken in accordance with the waste management plan, and b. upon disposal of waste, records of the disposal must be compiled and provided to, detailing the following: <ol style="list-style-type: none"> i. The contact details of the person(s) who removed the waste ii. The waste carrier vehicle registration iii. The date and time of waste collection iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v. The address of the disposal location(s) where the waste was taken vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p>

	4.502.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
68.	<p>Comply with Waste Management Plan</p> <p>The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:</p> <ol style="list-style-type: none"> The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the <i>Protection of Environment Operations Act 1997</i>; and 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 <i>Protection of Environment Operations Act 1997</i>; and 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; and All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and 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; and All materials and resources that are to be stored on site during construction works are contained on the site; and 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; and 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. <p>4.503</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
69.	<p>Hazardous finds</p> <p>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 principal 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 consent holder 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.</p> <p>4.601</p>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.

70.	No Stockpiling
	There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained. 4.605
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
71.	Keep free of water
	All excavations must be kept free from the accumulation of water. Before approval must be sought from Council to discharge any water into the Council's stormwater drainage system. Other options for the disposal of water include disposal to sewer with before approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility. 4.609
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
72.	Car wash bunding
	The carwash bay is to be bunded and connected to the sewer system to dispose of wastewater in accordance with the requirements contained in Council's Development Engineering Standards. 4.612
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
73.	Implementation of the site management plans
	While site work is being carried out: a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to council officers upon request. 4.701.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
74.	Discovery of relics and Aboriginal objects
	While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a. the work in the area of the discovery must cease immediately; b. the following must be notified i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.
	Site work may recommence at a time confirmed in writing by: a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

	<p>In this condition: “relic” means any deposit, artefact, object or material evidence that:</p> <ul style="list-style-type: none"> relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance; and <p>“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.</p> <p style="text-align: right;">4.901.S</p>
	<p>Condition reason: To ensure the protection of objects of potential significance during works</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

75.	Occupation certificate
	<p>The occupation or use of the building must not commence unless an occupation certificate has been issued.</p> <p style="text-align: right;">5.201</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
76.	Number of car parking spaces
	<p>51 off-street car parking spaces, of which a minimum 38 residential spaces, a minimum 6 visitor spaces, and a minimum 6 retail spaces, shall be provided. All spaces are to be sealed and line marked and maintained for the lifetime of the development.</p> <p>Note: 7 of the required 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.</p> <p style="text-align: right;">5.105</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
77.	Accessible car allocations
	<p>Accessible car parking spaces for people with mobility impairment allocated to residential units are only to be allocated to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.</p> <p style="text-align: right;">5.107</p>
	<p>Condition reason: To ensure orderly development of land.</p>
78.	Encroachment on Council land
	<p>Before the issue of an occupation certificate, the principal certifier must ensure that no portion of the approved structure, including gates and doors during opening and closing operations, provides for encroachment upon Council's footpath area.</p> <p style="text-align: right;">5.202</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
79.	Slab certification
	<p>A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level at each level, the height of external walls, the maximum reduced level (RL) of</p>

	<p>roof structures / roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans.</p> <p>5.203</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
80.	<p>Preservation of survey marks</p> <p>Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:</p> <ol style="list-style-type: none"> no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. <p>5.204.S</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
81.	<p>Mechanical ventilation</p> <p>Before the issue of an occupation certificate, the principal certifier must ensure that the car park is ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS 1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.</p> <p>5.206</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
82.	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p>5.207.S</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
83.	<p>Section 73 certificate</p> <p>The Section 73 compliance certificate under the <i>Sydney Water Act 1994</i> must be submitted to the principal certifier before the issue of an occupation certificate.</p> <p>5.208</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
84.	<p>Mechanical ventilation</p> <p>Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier.</p> <p>5.209</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>

85.	Work Permit compliance required
	An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable). 5.301
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
86.	Repair of infrastructure
	Before the issue of an occupation certificate: a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b. if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent. 5.302.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
87.	Works-as-executed plans and any other documentary evidence
	Before the issue of the relevant occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier: a. All stormwater drainage systems and storage systems, and b. The following matters that council requires to be documented in accordance with the Councils relevant Development Control Plan. c. A copy of the plans must be provided to council with the occupation certificate. 5.303.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
88.	Give way signs
	The following signs must be provided and maintained within the site at the point(s) of vehicle egress: a. Compelling drivers to stop before proceeding onto the public way b. Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route. 5.308
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
89.	No Parking on waste collection days
	The consent holder is to obtain 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 designed waste collection point for the development. 5.502
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.

90.	Agreement with Council
	Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste. 5.502
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
91.	Removal of waste upon completion
	Before the issue of an occupation certificate: a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. 5.503.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
92.	Completion of landscape and tree works
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. 5.701.S
	Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation.
93.	Key card access
	Before the issue of an occupation certificate, the principal certifier must ensure that access to the residential lobby is secured through a key card, swipe card, intercom or other method to restrict access to the lobby to only residents or visitors. 5.901
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
94.	Master locks
	Before the issue of an occupation certificate, the principal certifier must ensure that the letterboxes installed have non-master key locks, to prevent theft and fraud. 5.902
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
95.	CCTV surveillance cameras
	Before the issue of an occupation certificate, the principal certifier is to ensure that on-site CCTV surveillance cameras have been strategically installed and that they will operate and be maintained throughout the development with particular coverage to: a. principal entrance/s and exits; b. all areas within the premise occupied by the public (excluding toilets); c. staircases in multilevel premises; and d. the area within a 10m radius external to the public entrance(s) to the premise.
	Installation of the surveillance system is to ensure suitable and clearly visible signage is displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less

	<p>than 50mm in height with the words "Closed Circuit Television in use on these premises".</p> <p>All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.</p> <p>CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.</p> <p>All CCTV recording devices and cameras shall be regularly checked to ensure the equipment is operating correctly. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.</p> <p>All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour before opening and closing times of the premises.</p> <p>The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.</p> <p>Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.</p> <p style="text-align: right;">5.903</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
96.	<p>Property numbering</p> <p>The buildings / dwellings must be readily identified from the street with the allocated house numbers. An official "property numbering" letter is issued to the consent holder indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted.</p> <p style="text-align: right;">5.904</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
97.	<p>Lighting must be provided to entries</p> <p>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.</p> <p style="text-align: right;">5.906</p>

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
98.	<p>Design of lighting</p> <p>Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – ‘The Control of the Obtrusive Effects of Outdoor Lighting’.</p> <p style="text-align: right;">5.907</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code.</p>
99.	<p>Design principles</p> <p>Before the issue of any occupation certificate a design verification from a qualified designer shall be submitted to the principal certifier. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Schedule 9 of the SEPP (Housing) 2021.</p> <p style="text-align: right;">5.908</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
99A.	<p>Final registration of restriction for affordable in-fill housing</p> <p>Prior to the issue of the Occupation Certificate, the developer shall register, on the title of the subject property, a Restriction on the Use of Land, in accordance with Section 21 of State Environmental Planning Policy (Housing) 2021, and the appropriate provisions of the Conveyancing Act 1919, including wording to the following effect:</p> <p>For a period of at least 15 years commencing on the day an occupation certificate is issued for the development –</p> <ol style="list-style-type: none"> The 7 dwellings to be used for the purposes of affordable housing (i.e. apartments 103, 104, 105, 203, 204, 205 and 304) must be used for the purposes of affordable rental housing, in accordance with State Environmental Planning Policy (Housing) 2021. The affordable housing component will be managed by a registered community housing provider. <p>The developer shall submit to Council an application for a Land Title Dealing, seeking Council’s endorsement of a Section 88E Instrument under the Conveyancing Act, 1919. Final wording will be subject to Council’s satisfaction.</p> <p>A statement shall be placed on the Section 88E Instrument that nominates Canterbury-Bankstown Council as the only authority empowered to release, vary or modify the restrictions created.</p> <p>The location of the “7 dwellings to be used for the purposes of affordable housing” shall be identified on an A4 size site plan attached to the Section 88E Instrument.</p>

	Evidence of the final registration of the Restriction on the title of the property shall be provided to Council and the principal certifier, prior to issue of the Occupation Certificate.
	<u>Condition reason:</u> To ensure compliance with the relevant New South Wales legislation.

OCCUPATION AND ONGOING USE

100.	Communal facilities
	The communal open space and bathroom facilities and residential lobby area must be available for the use all residents of the building, and must be operated as common property on any strata subdivision of the site, with no exclusive use rights given. <div style="text-align: right;">7.104</div>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
101.	Parking spaces
	No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. <div style="text-align: right;">7.106</div>
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
102.	Use of roof
	No approval is granted or implied for the use of any roof element (other than the approved communal open space area) for any purpose other than for gaining access to carry out maintenance or repairs. <div style="text-align: right;">7.114</div>
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
103.	Stormwater Detention
	The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council. <div style="text-align: right;">7.302</div>
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
104.	Maintenance of wastewater and stormwater treatment device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable). <div style="text-align: right;">7.303.S</div>
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
105.	Enter / exit in forward direction
	All vehicles associated with the development are to enter and exit the site in a forward direction. <div style="text-align: right;">7.402</div>
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.

106.	Waste Management Plan
	The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out. 7.501
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
107.	Waste generated on site
	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 <i>Protection of the Environment Operations Act 1997</i> . All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request. 7.504
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
108.	Bin room signage
	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. 7.505
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
109.	Waste and recycling policy
	The development must be carried out in compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline". 7.506
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
110.	Waste containers
	No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes. 7.507
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
111.	Maintenance of waste room
	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. 7.508
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
112.	Collect and return service
	The nominated collect and return collection point are to be utilised to facilitate the collection of waste and recycling bins for the development. 7.512
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

113.	Maintenance of landscaping
	<p data-bbox="357 232 1382 398">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.</p> <p data-bbox="1310 398 1382 432">7.701</p>
	<p data-bbox="357 439 1362 504">Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>

Annexure A - Required Changes to Conditions of Development Consent - DA-157/2022

Condition	As approved DA-157/2022	Proposed change via DA-1480/2024	Comment
1.1	Various plan references	New plan references	Amend condition 1
1.1A	New condition	Plan amendments	Add new condition 1.1A
1.2	No use granted	Amend to be consistent with Council's new drafting of this condition	Amend condition 1.2
3.1	7.11 contributions	Add a note explaining that the contribution only needs to be paid once despite the same condition appearing in both consents	Amend condition 3.1
3.1A	New condition	Additional 7.11 condition per Panel request	Add new condition 3.1A
3.1B	New condition	Add HPC condition per Panel request	Add new condition 3.1B
3.2	Fees payable	Amend to be consistent with Council's new drafting of this condition	Amend condition 3.2
3.3	Long Service Levy	Amend to be consistent with Council's new drafting of this condition	Amend condition 3.3
3.19	Stormwater plans	Covered by condition 3.22 of DA-157/2022 and condition 24 in DA-1480/2024	Delete condition 3.19
3.22	Stormwater plan references	New plan references	Amend condition 3.22
3.26	Site Pedestrian Traffic Management Plan	Amend to be consistent with Council's new drafting of this condition	Amend condition 3.26
3.32	Waste Management Plan	Amend to be consistent with Council's new drafting of this condition	Amend condition 3.32
3.42(h)	Landscape plan	Item (h) refers to 'dwellings' which is not applicable	Delete item (h) from condition 3.42
3.45	Design verification	Amend to be consistent with Council's new drafting of this condition	Amend condition 3.45
4.9	Install erosion control	Duplicate condition needs to be deleted	Delete condition 4.9
5.9	Hours of work	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.9
5.10	Noise and vibration	Similar condition in DA-1480/2024 is more detailed	Amend condition 5.10
5.12	Civil and hydraulic	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.12
5.13	Stormwater system	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.13
5.20	Waste management	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.20
5.25	Car wash bunding	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.25

5.26	Implement stormwater management plan	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.26
5.30	Relics	Amend to be consistent with Council's new drafting of this condition	Amend condition 5.30
6.4	Number of car parking spaces	Condition needs to be amended to reflect the car parking numbers under DA-1480/2024	Amend condition 6.4
6.5	Accessible parking	Amend to be consistent with Council's new drafting of this condition	Amend condition 6.5
6.11	Comply with Council's stormwater requirements	Need to replace reference to DCP with Development Engineering Standards	Amend condition 6.11
6.16	Repair of infrastructure	Amend to be consistent with Council's new drafting of this condition	Amend condition 6.16
6.17	Work as executed	Amend to be consistent with Council's new drafting of this condition	Amend condition 6.17
6.23	Removal of waste	Amend to be consistent with Council's new drafting of this condition	Amend condition 6.23
6.24	Completion of landscaping	Amend to be consistent with Council's new drafting of this condition	Amend condition 6.24
6.30	Design verification	Amend to be consistent with Council's new drafting of this condition	Amend condition 6.30
6.31	Final registration of lot consolidation	Need to amend the wording to be more specific and appropriate	Amend condition 6.31
7.1	Communal facilities	Amend to be consistent with Council's new drafting of this condition	Amend condition 7.1
7.5	Use of roof	Amend to be consistent with Council's new drafting of this condition	Amend condition 7.5
7.9	Neighbourhood amenity	Duplicate condition needs to be deleted	Delete condition 7.9

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