

## **Annexure A**

### **BELLA IKEA BELMORE PTY LIMITED v CITY OF CANTERBURY-BANKSTOWN COUNCIL**

**LEC No. 11170 of 2017**

**DA-506/2016, Residential Flat Building – 749-757 Canterbury Road, Belmore**

### **CONDITIONS OF CONSENT**

#### **PART A – DEFERRED COMMENCEMENT CONSENT**

**A. This consent is not to operate until the Applicant satisfies the Council, within 24 months of the date of this consent that:**

1. In accordance with the letter of offer dated 9 June 2017 made by the Applicant, the Applicant is to enter into a Planning Agreement under section 93F of the Environmental Planning and Assessment Act 1979 with Council for the dedication of the area of land measuring 3 metres (depth) along the northern (Wilson Lane) and eastern (Thompson Lane) boundaries for the purpose of road widening. The new lanes shall provide a minimum of 1.8m wide pedestrian footpath adjacent to the northern and eastern boundaries. A minimum of 6.5m carriageway kerb to kerb shall be provided in sections of the laneway adjacent to the site, except in areas of transition to accommodate site requirements at 759-757 Canterbury Road. Such dedication is to be free of any trusts, estates, interests, covenants and encumbrances upon the registration at the Land and Property Information Office of New South Wales. All costs associated with the construction of this portion of the site for lane widening must be met by the applicant.

The roadworks required to be completed by the Applicant for the lane widening is as follows:

#### **Wilson Lane**

- New laneway works for land dedication;
- Joining of laneway to existing laneway;
- Removal of existing kerb and gutter and construction of new kerb and gutter;
- Top resheet of new and existing laneway with hotmix;
- Relocation of two power poles;
- Potential for up to two new poles; and
- Relocation of dish on the corner of Wilson and Thompson Lane.

#### **Thompson Lane**

- New laneway works for land dedication;
- Joining of laneway to existing laneway;
- Removal of existing kerb and gutter and construction of new kerb and gutter;
- Top resheet of new and existing laneway with hotmix;
- Relocation of one power pole;
- Potential relocation of Telstra pit. However this is subject to the laneway design (which could leave the pit in its existing location) and resistance from Telstra to relocate.

2. A detailed civil design of the lane widening must be submitted and approved by Council City Operations Division addressing the following:
  - a. The roadworks referred to at deferred commencement condition 1 above.
  - b. Submitted plans must include underground utility services, paving material, construction methodology, hold points, kerb long sections and cross sections. The applicant must consult with Council's City Assets Division regarding footpath material finish.
  - c. Appropriate transitions must be provided west of the site towards 759-765 Canterbury Road, to convert the proposed kerb/waterrun alignment to match the existing.
  - d. The vehicular access and parking facilities shall be constructed in accordance with the approved plans. The longitudinal profile must be in accordance with the approved plans. The applicant must demonstrate all vehicles utilising the vehicular access to the site can enter and exit safely with all necessary ground clearances.
  - e. Applicant to provide gutter flow levels and profile for the 1 in 100 year event to provide evidence of 0.15m clearance from water level to threshold in access ramp to basement.

**The following conditions of consent will be included in the development consent after the applicant provides information sufficient to satisfy Council in relation to the deferred commencement condition.**

#### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
  - a) Details of:
    - Structural Engineering Plan including method of shoring during excavation
    - Protection from termites
    - Structural Engineering Plan
    - Building Specifications
    - Fire Safety Schedule
    - Landscape Plan
    - Hydraulic Plan
    - Firewall Separation
    - Soil and Waste Management Plan
    - BASIX Certification
    - Mechanical ventilation and ventilation of basement carpark
  - b) Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
  - c) Payment to Council of:
 

Kerb and Gutter Damage Deposit	\$10,185.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$40,715.65
Long Service Levy Commission	\$19.80
Section 94 Development Contributions	\$611,456.88
  - d) If you appoint Council as your Principal Certifying Authority, the following fees are payable:
 

Construction Certificate Application Fee	\$36,119.00
Inspection Fee	\$7,481.00
Occupation Certificate Fee	\$2,613.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in the fee quote attachment do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

## BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
  - a) detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
  - b) you must appoint a Principal Certifying Authority (either Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
  - c) you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
  - d) In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
    - i. The name and contractor or license number of the licensee who has contracted to do or intends to do the work; or
    - ii. The name and permit number of the owner-builder who intends to do the work.

## INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

## SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
  - a) The name, address and telephone number(s) of the principal certifying authority for the work, and
  - b) The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
  - c) That unauthorised entry to the work site is prohibited.

## DEMOLITION

5. Demolition must be carried out in accordance with the following:
- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
  - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
  - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
  - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
  - (e) Demolition of buildings is only permitted during the following hours:
    - 7.00 a.m. – 5.00 p.m. Mondays to Fridays
    - 7.00 a.m. – 12.00 noon SaturdaysNo demolition is to be carried out on Sundays or Public Holidays.
  - (f) Burning of demolished building materials is prohibited.
  - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
  - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
  - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
  - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
  - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
  - (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
  - (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
  - (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at [www.lead.org.au](http://www.lead.org.au).
  - (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
  - (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is

to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

## GENERAL

6. The development being carried out in accordance with the plans, specifications and details outlined within the table below except where amended by the conditions specified in this Notice.

Drawing No.	Drawing Name	Prepared by	Date
S34-000, Revision 02	Cover Page	Bureau SRH Architecture	4 May 2017
S34-002, Revision 02	Demolition Plans	Bureau SRH Architecture	4 May 2017
S34-101, Revision 03	Basement Plans	Bureau SRH Architecture	4 May 2017
S34-102, Revision 03	Site Plan & Ground Floor Plan	Bureau SRH Architecture	4 May 2017
S34-103, Revision 03	Levels 1-3 Plans	Bureau SRH Architecture	4 May 2017
S34-104, Revision 03	Levels 4-5 Plan	Bureau SRH Architecture	4 May 2017
S34-201, Revision 03	Elevations – Sheet 1	Bureau SRH Architecture	4 May 2017
S34-202, Revision 03	Elevations – Sheet 2	Bureau SRH Architecture	4 May 2017
S34-301, Revision 03	Section AA	Bureau SRH Architecture	4 May 2017
S34-302, Revision 03	Section BB	Bureau SRH Architecture	4 May 2017
S34-303, Revision 03	Section CC	Bureau SRH Architecture	4 May 2017
S34-304, Revision 03	Section DD	Bureau SRH Architecture	4 May 2017
S34-305, Revision 03	Section EE	Bureau SRH Architecture	4 May 2017

S34-311, Revision 03	Driveway & Ramp Sections	Bureau SRH Architecture	4 May 2017
SK00, Revision C	Landscape Site Plan/Roof Plan	Carmichael Studios	Undated
SK01, Revision J	Landscape Plan Ground Floor	Carmichael Studios	Undated
SK02, Revision D	Landscape Plan Level 04	Carmichael Studios	Undated
16H-497-DA-00, Revision B	Drawing Index – Hydraulic	CSM Group	1 May 2017
16H-497-DA-01, Revision A	General Notes & Details	CSM Group	16 August 2016
16H-497-DA-02, Revision B	Concept SW/Drainage Plan – Basement Level 2	CSM Group	1 May 2017
16H-497-DA-03, Revision B	Concept SW/Drainage Plan – Lower Basement Level 1	CSM Group	1 May 2017
16H-497-DA-04, Revision B	Concept SW/Drainage Plan – Ground Level	CSM Group	1 May 2017
16H-497-DA-04, Revision B	Concept SW/Drainage Plan – Ground Level (OSD Details)	CSM Group	1 May 2017
16H-497-DA-06, Revision B	Concept SW/Drainage Plan – Drains Results Sheet 1 of 2	CSM Group	1 May 2017
16H-497-DA-07, Revision B	Concept SW/Drainage Plan – Drains Results Sheet 2 of 2	CSM Group	1 May 2017
16H-497-DA-09, Revision B	Concept SW/Drainage Plan – Roof Level	CSM Group	1 May 2017
16H-497-DA-09, Revision A	Existing Catchment Plan	CSM Group	24 October 2016
16H-497-DA-10, Revision A	Soil and Water Management Plan	CSM Group	24 October 2016
DA211, Revision B	Exterior Finishes Schedule – Sheet 1	Bureau SRH Architecture	9 May 2017
DA212, Revision B	External Finishes Schedule – Sheet 2	Bureau SRH Architecture	9 May 2017

DA213, Revision B	External Finishes Schedule – Sheet 3	Bureau SRH Architecture	9 May 2017
DA214, Revision B	External Finishes Schedule – Sheet 4	Bureau SRH Architecture	9 May 2017
<b>Document</b>		<b>Prepared by</b>	<b>Date</b>
BASIX Certificate Number 771735M_02		Outsource Ideas Pty Ltd	8 May 2017

- a) The recommendations within the Acoustic Assessment report written by Vipac and dated 24 October 2016 must be adopted and form part of this development consent.
- b) As per the Recommendations contained in the Preliminary Site Investigation report written by Martens & Associates dated October 2016, the following must be undertaken:
  - i. Prior to residential development, assessment of the AECs and COPCs as noted in this PSI should be undertaken. To address potential AECs and COPCs (Table 5), a detailed site investigation (DSI) including intrusive soil sampling is recommended. Testing under all building footprints (and former buildings) (plus 1 m curtilage) is recommended following their demolition to address the identified AECs.
  - ii. Given the observed PACM and expected infrastructure age, the site should undergo a hazardous material assessment by appropriately qualified contractor pre demolition to determine if asbestos or other hazardous material is present. Where hazardous material is identified, the material is to be removed and disposed of by an appropriately qualified contractor under current controls. A walkover inspection of remaining site should be conducted following removal of refuse to assess any potential residual impacts to determine if further testing is required.
  - iii. Additional testing around the UST observed in the workshop is recommended to determine any contamination plume. Removal of the UST is recommended prior to site redevelopment.
  - iv. Staining or leaking was not observed surrounding the AST in the workshop; however, approximately 20 mm of oil was observed in the bottom of the bin (bund), and care should be taken during removal to avoid spillage and potential contamination.
  - v. The DSI plan is to be developed in accordance with NSW EPA (1995) *Sampling Design Guidelines* and a risk based assessment. Assessment shall address each of the identified AEC and associated COPCs identified in Table 5. Results of the site testing shall be assessed against site acceptance criteria (SAC) developed with reference to ASC NEPM (1999, amended 2013).
- c) All recommendations contained the Geotechnical Investigation report written by Geotechnique Pty Ltd, dated 5 September 2016 must be undertaken prior to the issue of a construction certificate. Any recommendations relating to works to be undertaken during construction must be followed and form part of this consent.
- d) The floor to ceiling height in living areas must be a minimum of 2.7m for all levels as indicated on the approved plans.

- e) The development must not be more than 18m in height.
- f) All service and utility elements such as air conditioning, communal antennas and clothes drying area must be integrated into the design and screened from public view.
- g) The location of hot water systems are to be decided prior to the issuing of a Construction Certificate. The systems are to be integrated within the design of the building and are to be screened from public view. Details of the location of hot water systems are to be presented to the Principle Certifying Authority prior to the issuing of a Construction Certificate.
- h) Intercom, code or card locks or similar must be installed at main entries to the building to control access, including the car parks.
- i) Seventy two (72) off street car parking spaces must be provided. The allocation of car parking is fifty five (55) spaces for residential, fifteen (15) spaces for visitors and one (1) car wash.
- j) All disabled parking space dimensions, cross-falls, vertical clearances for access paths and spaces are to be in accordance with the requirements of AS2890.6.
- k) Resident, commercial and visitor car parking shall be clearly signposted at the entry to the car parking area.
- l) The bathroom and ensuite window(s) must be translucent glass.
- m) No pedestrian access is permitted along the driveway ramps. A sign stating "No Pedestrian Access" must be displayed at the top and bottom of the ramp from ground level to B1.

#### AMENDED PLANS

- 7. Amended plans are to be prepared for approval with the Construction Certificate showing the following:
  - (a) The planter box and path to the south of Apartments 4 and 5 shall be relocated 1m to the south. An area with width of 1m to the south of the southern façade of Apartments 4 and 5 shall be included in the private courtyard of the adjoining apartment with a 1.5m high courtyard fence provided between the courtyard and adjoining planter box.
  - (b) The dividing privacy wall between the balconies of Apartments 15 and 16 and 24 and 25 shall be reduced in length by 200mm (ie stop 200mm before the eastern end of the balcony), with the remaining 200mm of the balconies being separated by a continuation of the balcony balustrade to improve solar access penetration to the living rooms.
  - (c) Fixed, angled privacy screens shall be provided to the west facing bedroom windows of Apartments 11, 12 (bedroom 1 only), 20, 21 (bedroom 1 only) and 29 to provide improved privacy to 759 Canterbury Road. The privacy screens shall be angled to provide an outlook to the north-west but prevent an outlook to the west.

#### SECTION 94 CONTRIBUTIONS

- 8. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013 after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$611,456.88. The amount payable is based on the following components:



Contribution Element 2013	Contribution
• Community Facilities	\$ 55,307.45
• Open Space and Recreation	\$540,585.45
• Plan Administration	\$15,563.98

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

Payment will only be accepted in the form of cash, bank cheque or EFTPOS. Personal cheque and credit card payments will not be accepted.

9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
10. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
11. All building construction work must comply with the National Construction Code.
12. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
13. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
14. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
  - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
  - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
15. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

16. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
17. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
18. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
19. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
20. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
21. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.

#### ACOUSTICS

22. Prior to the occupation of the development an acoustic assessment shall be undertaken to ensure that the recommended treatments and controls contained in the Acoustic Assessment Report prepared by Vipac dated 24 October 2016 have been incorporated in the final design of the building.
23. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

#### CONSOLIDATION OF LOTS

24. The site being consolidated into one allotment. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the release of the Occupation Certificate or occupation of the building.

#### SYDNEY WATER REQUIREMENTS

25. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at [www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand](http://www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand), Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built

and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

#### DILAPIDATION AND EXCAVATION

26. A photographic survey of the adjoining property at 759 Canterbury Road, Belmore, detailing the physical condition of that property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury-Bankstown City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premise is to be provided to the Principal Certifying Authority and Canterbury-Bankstown City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
27. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining property at 759 Canterbury Road, Belmore, and its ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

#### LANDSCAPING

28. The landscaping must be completed according to the submitted landscape plan (drawn by Carmichael Studios, drawing no.SK00 rev C, SK01, Revision J and SK02 Revision D, submitted to council on 18 May 2017) except where amended by the conditions of consent. The landscaping is to be maintained at all times to the Council's satisfaction.
29. 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).
30. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
31. The proposed planting to all podium levels shall comply with the following as required in the CDCP 2012 Part 6.6: Landscape:  
Raised planters:
  - Use masonry or concrete construction;

- Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
- Provide waterproofing to each planter box.

Minimum soil depth:

- 100-300mm for turf
- 300-450mm for groundcovers;
- 500-600mm for small shrubs;
- 600-750mm for medium shrubs;
- 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
- 1000mm for medium trees with approximate soil area of 6m x 6m; and
- 1300mm depth for large trees with approximate soil area of 10m x 10m.

32. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;
- a) The three *Olea eoropaea* shown in the BBQ area of the central communal open space are to be replaced with deciduous trees of equivalent height.
  - b) The plan scale written on the drawings is to reflect the true scale of the drawings. Currently the drawings show a scale of 1:100 @A1 instead of 1:150 @ A1.
  - c) The Maintenance schedule period shall be for 12 months after the date of practical completion.
  - d) Provide Construction Details including:
    - a. Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls)
    - b. Detailing and location of edge treatments (e.g. Concrete, brick, timber).

#### ENGINEERING - PRIOR TO CONSTRUCTION CERTIFICATE

33. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- a) The design must be generally in accordance with the plans, specifications and details prepared by CSM Group Pty Ltd, Issue B, dated 01/05/2017, plans 16H-497-00 (Revision B, dated 1/05/2017), 16H-497-01 (Revision A, dated 16 August 2016), 16H-497-02 (Revision B, dated 1/05/2017), 16H-497-03 (Revision B, dated 1/05/2017), 16H-497-04 (Drainage Plan – Ground Floor Revision B, dated 1/05/2017), 16H-497-04 (OSD Detail Revision B, dated 1/05/2017), 16H-497-06 (Revision B, dated 1/05/2017), 16H-497-07 (Revision B, dated 1/05/2017), 16H-497-DA-09 (Revision B, dated 1/05/2017), 16H-497-09 (Revision A, dated 24 October 2016) and 16H-497-10 (Revision A, dated 24 October 2016).
  - b) A Stormwater OSD facility shall be designed in accordance with Council DCP. The facility shall be designed for 10 Year ARI with a maximum discharge rate of 150L/S/Hectare. The maximum discharge rate must be for the whole lot including areas bypassing the OSD system.
  - c) Areas bypassing the OSD System must be shown on plan and must not exceed 25% of the site area.
  - d) The storage volume required must be increased by 20% to allow for vegetation growth.
  - e) The basement pump well must be located in a common area.

- f) All Stormwater surface pits located outside the OSD area that harvest stormwater runoff must have a finished level 50 mm higher than the top of water level.
  - g) The rising main from the basement pump out tank must discharge to the OSD.
  - h) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
  - i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
34. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
35. The submitted Geotechnical Report provides an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury City Council prior to the issue of a Construction Certificate.
36. Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

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

Where temporary anchors are proposed to be used in Council owned lands an Application must be made to Canterbury Bankstown Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
  - b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
  - c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
37. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

38. The parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
  - b) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
  - c) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS 2890.1-2004.
  - d) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
  - e) A Suitably Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.

#### ENGINEERING - PRIOR TO AND DURING CONSTRUCTION

- 39. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
- 40. All sign posts, power poles and other services that require relocating due to the laneway widening, shall be relocated at the applicants cost.
- 41. A road opening Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 42. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 6.0 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 43. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
- 44. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.

#### ENGINEERING - PRIOR TO OCCUPATION CERTIFICATE

- 45. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.

46. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
47. A Works-as-Executed plan must be submitted to Canterbury Bankstown Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
48. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
  - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
  - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

49. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

## PUBLIC IMPROVEMENTS

50. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
51. The reconstruction of the kerb along all areas of the site fronting Canterbury Road is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with RMS design guidelines and regulations.
52. The relocation and construction of the kerb and gutter along all areas of the site fronting Wilson and Thompson lanes are required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

53. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road, Wilson lane and Thompson lane is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

#### SUBDIVISION

54. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
55. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.

#### STREET ADDRESSING

56. Allocation of street numbers has been based on the NSW Address Policy and Rural and Urban Addressing Standard AS/NZS 4819:2011.
57. Future Street Addressing for the proposed development within DA-506/2016, is advised as follows: 749-757 Canterbury Road, Belmore NSW 2192. The applicant is advised to contact Mapping & GIS Services to confirm Street Addressing prior to the issue of an Occupation Certificate. I can be contacted on 9789 9506 or via email: michaelcz@canterbury.nsw.gov.au.
58. All sub-property numbering must be unique. Sub-property Street Addressing is advised as follows (the first digit represents the floor level and the next two digits represent the unit number). Please note the sub property addressing below can be an advice.

Ground Floor: Units 1, 2, 3, 4, 5, 6, 7, 8, 9

Level 1: Unit 101, 102, 103, 104, 105, 106, 107, 108, 109

Level 2: Unit 201, 202, 203, 204, 205, 206, 207, 208, 209

Level 3: Unit 301, 302, 303, 304, 305, 306, 307, 308, 309

Level 4: Unit 401, 402, 403, 404, 405

Level 5: Unit 501, 502, 503, 504, 505

#### WASTE

59. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP 2012.
60. The residential section of the development will be allocated 9 x 660L rubbish bins and 15 x 240L recycling bins. Unobstructed and unrestricted access must be provided to the waste bin storage rooms/areas on collection days from 5.00am. The bins must not be presented on the road.

#### COMMUNITY SAFETY

61. Additional lighting should be installed in pedestrian traffic ways, so as to illuminate the area during hours of darkness.



- 62. Landscaping around the site should not act as a natural ladder for potential offenders to gain access to balconies above the ground floor.
- 63. An anti-graffiti coating must be applied to the exterior of the building so as to prevent graffiti vandalism. A building that is subject to graffiti will leave an impression that it is not cared-for or well maintained. It is unsightly, can affect the sense of safety of residents, impact businesses, and is costly to remove in the long term. Preventing graffiti will promote a cared-for image for the community and result in enhanced feelings of safety within and around the development.
- 64. Due to the increase in Fraud, particularly mail theft, in Canterbury Local Government Area, all letterboxes are to have security locks on them.

#### ROADS AND MARITIME SERVICES

- 65. All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along Canterbury Road boundary.
- 66. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

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

- 67. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

68. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.
69. A construction zone will not be permitted on Canterbury Road.
70. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

#### CRITICAL INSPECTIONS

71. Class 2, 3 or 4 Buildings
  - a) at the commencement of the building work, and
  - b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
  - c) prior to covering any stormwater drainage connections, and
  - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

#### Class 5, 6, 7, 8 or 9 Buildings

- e) at the commencement of the building work, and
  - f) prior to covering any stormwater drainage connections, and
  - g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
72. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.

To arrange an inspection by Council please phone 9789-9300 during normal office hours.

#### COMPLETION OF DEVELOPMENT

73. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

#### WE ALSO ADVISE

74. This application has been assessed in accordance with the National Construction Code.
75. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
76. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
  - Structural engineering work
  - Air handling systems
  - Protection from termites
  - Smoke alarms

- BASIX completion
77. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
  78. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
  79. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
  80. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
  81. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.

If you should require any further information, please do not hesitate to contact Shona Porter in City Planning on 9789 9843 Monday to Friday.