
Canterbury Bankstown Local Planning Panel - 7 May 2018

ITEM 2	280 Chapel Road, Bankstown
	Demolition of existing structures and construction of a three storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level
FILE	DA-562/2017 – Bankstown Ward
ZONING	B4 Mixed Use
DATE OF LODGEMENT	27 June 2017
APPLICANT	Colin De Lore & Associates
OWNERS	Duyanh Pty Limited and Kimala Pty Ltd
ESTIMATED VALUE	\$2.77 Million
AUTHOR	Planning

REPORT

This matter is reported to the Local Planning Panel in accordance with *The Local Planning Panel Direction – Development Applications*, as the Development Application is one for which the developer has offered to enter into a Voluntary Planning Agreement with Council, whereby a monetary payment will be made to Council in lieu of providing all the required car parking spaces on site.

Based on the parking demand of 15 spaces generated by this development, the applicant proposes to provide eight at-grade car parking spaces on the site (including three residential and five commercial spaces), with the shortfall of seven commercial spaces to be addressed by a Voluntary Planning Agreement (VPA).

Development Application DA-562/2017 proposes the demolition of existing structures and construction of a three-storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level.

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the relevant specific environmental planning instruments, including State Environmental Planning Policy No 55 —Remediation of Land (SEPP 55), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment (GMREP No 2), Bankstown Local Environmental Plan 2015 (BLEP 2015), as well as Bankstown Development Control Plan 2015 (BDCP 2015). It is noted that State Environmental Planning Policy 65—Design Quality of Residential Apartment Development does not apply to this development.

The application has been assessed as generally being compliant with the relevant controls. However, the proposal involves a VPA to cover the shortfall in off-street parking spaces in accordance with BDCP 2015 – Part B5 and a minor non-compliance with BDCP 2015 – Part A1 requiring the ground floor level to be consistent with the footpath level (the non-compliance results due to Council’s minimum floor levels for flood affected sites). Despite the need for a VPA and non-compliant proposed floor level, the proposal represents an appropriate built form for the site and is consistent in terms of design and function with other new commercial developments in the surrounding locality.

The application was advertised/notified for a period of 21 days. No submissions were received during this period.

POLICY IMPACT

This development is not considered to have a policy impact. The proposed car parking variation is addressed by the levying of developer contributions, and is consistent with Council’s Voluntary Planning Agreements Policy and with previous development applications (with VPAs for car parking) approved by Council. With regard to the variation to the control requiring the ground floor level to be consistent with the footpath level, the reasons for supporting the variation are site specific and not readily applicable to other sites.

FINANCIAL IMPACT

The VPA will make a monetary contribution in lieu of providing seven off-street car parking spaces. The monetary contribution is set aside for the construction of public parking spaces as detailed in Council’s CBD Car Parking Strategy.

RECOMMENDATION

That Development Application DA-562/2017 be approved on a ‘deferred commencement’ basis subject to the attached conditions and the following deferred commencement condition:

The following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. *A Voluntary Planning Agreement (VPA) to provide for the deficient seven (7) car parking spaces shall be entered into prior to the issue of an operational consent.*

ATTACHMENTS

- A. Section 4.15 Assessment Report
- B. Conditions of Consent

DA-562/2017 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is known as 280 Chapel Road, Bankstown and is currently zoned B4 Mixed Use. The site is a regular shaped allotment, with an area of 649m², with a frontage to Chapel Road of 15.065m and a frontage to Dale Parade, at the rear being 15.53m. Liberty Plaza, a three storey shopping centre, adjoins the site to the south, and to the north are a number of older style single storey shops.

The site currently contains a fire damaged building, the previous use of which was a Goodyear Tyre Centre. The below aerial photograph details the site's location and proximity to adjoining land uses.



PROPOSED DEVELOPMENT

The Development Application proposes the demolition of existing structures and construction of a three storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level. A gross floor area of 1215m² is proposed, which equates to a floor space ratio of 1.87:1 (which is within the maximum allowable floor space ratio of 2:1 for the site).

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

Environmental planning instruments [section 4.15(1)(a)(i)]***State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)***

State Environmental Planning Policy 55 – Remediation of Land aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In the case where land may be contaminated, the consent authority must be satisfied that the land is suitable for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

The development site has long been used as a *Good Year Tyre and Brakes Service Centre* and the subject application proposes to occupy the site as a mixed use (commercial and residential) development. Given the previous use of the site, the application was supported by a preliminary site investigation report.

The report concluded that the site is suitable for the proposed development. The application is therefore considered satisfactory in regard to the requirements of State Environmental Planning Policy 55—Remediation of Land.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Deemed SEPP) (GMREP No 2)

The site is located on land identified as being affected by *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*. The proposed works are consistent with the relevant planning principles outlined in Clause 8 of the GMREP No 2 and the proposal does not include any of the specific development

types that have specific planning requirements as listed under the 'planning control table'.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared in support of the application, which details the thermal, energy and water commitments associated with the development. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and is supported in this instance.

Bankstown Local Environmental Plan 2015 (BLEP 2015)

The relevant provisions contained within *the Bankstown Local Environmental Plan 2015* have been considered as follows;

- Cl. 1.2 Aims of Plan
- Cl. 1.3 Land to which Plan applies
- Cl. 1.4 Definitions
- Cl. 1.7 Maps
- Cl. 2.1 Land use zones
- Cl. 2.2 Zoning of land to which Plan applies
- Cl. 2.3 Zone objectives and Land Use Table
- Cl. 2.7 Demolition requires development consent
- Cl. 4.3 Height of buildings
- Cl. 4.4 Floor space ratio
- Cl. 4.5 Calculation of floor space ratio and site area
- Cl. 6.1 Acid sulfate soils
- Cl. 6.3 Flood planning

A detailed assessment of the development application against a number of specific provisions contained within the *Bankstown Local Environmental Plan 2015* is as follows;

Clause 2.2 – Zoning of land to which Plan applies

The site is located on land zoned B4 Mixed Use.

Clause 2.3 – Zone objectives and Land Use Table

The Land Use Table sets out which development may be carried out in each zone. The proposed mixed use development including commercial suites, restaurants and residential apartments are permitted uses within the zone. The proposal is consistent with the objectives of the B4 Mixed Use zone, being:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To maintain the role of the Bankstown CBD as a major metropolitan centre.*

Clause 4.3 – Height of buildings

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The Height of Buildings Map prescribes a maximum building height of 23 metres on the subject allotment. The proposal is for a maximum building height of 13 metres and therefore satisfies this requirement.

Clause 4.4 – Floor space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The floor space ratio map shows the maximum permitted floor space ratio as 2:1 on the subject site. The development complies with the maximum, by proposing a floor space ratio of 1.87:1

Clause 6.1 – Acid sulfate soils

The development site is affected by Class 5 Acid Sulfate Soils. Further consideration would be required for works on Class 5 affected land within 500 metres of adjacent Class 1, 2, 3, or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. As the site and proposal do not fall into this category, an Acid Sulfate Soils Management Plan is therefore not required. The proposed development is satisfactory with regard to Clause 6.1 of the BLEP 2015.

Clause 6.3 – Flood planning

Part of the subject site is affected by medium risk stormwater flooding. A Stormwater System Report issued for the site specified a floor level of 500mm above the 1 in 100 year flood level. The development meets the minimum floor level requirement. Council's Development Engineer has assessed the proposed development and advises that it is satisfactory, subject to recommended conditions of consent.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

There are no draft environmental planning instruments that are applicable in this instance.

Development control plans [section 4.15(1)(a)(iii)]***Bankstown Development Control Plan 2015 (BDCP 2015)***

The development application proposes a mixed use development within Zone B4 Mixed Use and therefore BDCP 2015 –Part A1 Centres and Part B5 – Car Parking apply.

The site is located within the Southern CBD Core precinct. BDCP 2015 – Part A1 states that *“The desired character is to have the Southern CBD Core precinct continue to contain retail activities and high amenity housing around the transport hub. The building form will be a mixed of retail and commercial activities on the ground and first floors, and high density living above”*.

The proposal’s compliance with the relevant controls contained within Part A1 and Part B5 of the BDCP 2015 are detailed in the table below.

STANDARD	PROPOSED	BDCP 2015 PART A1 & PART B5		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
FSR	1.87:1	Max 2:1	N/A	Yes
Height	13m	Max 23m	N/A	Yes
Setback	Nil setback	Nil setback	Yes	N/A
Active street frontage	A condition of consent will require the ground floor level to be RL16.80 which is 600mm higher than the footpath level. See comment below.	The design of the street frontage must ensure that the ground floor is at the same level as the footpath and accessible directly from the street.	No, see comment [1] below	N/A
Active street frontage	Retail/commercial proposed on the ground and first floor.	Ground floor and first floor must be retail/commercial.	Yes	N/A
Vehicle footpath crossings	Carpark entry proposed off rear lane.	For sites with more than two frontages, car parks entries, driveways and loading docks must locate on lanes and minor streets rather than the primary street frontages or streets with high pedestrian activity.	Yes	N/A

STANDARD	PROPOSED	BDCP 2015 PART A1 & PART B5		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Car parking	<p><u>Restaurant</u> Restaurant 1 and 2 each proposes a total dining area of approximately 80m². No spaces are required or proposed for the restaurants.</p> <p><u>Business/office/shops:</u> Of the 12 commercial spaces required, 5 spaces are proposed on-site and the shortfall of 7 spaces are to be met by a VPA – monetary contribution.</p> <p>This equates to 58% of the commercial spaces proposed to met by the VPA, rather than the 50% specified by BDCP 2015 – Part B5.</p> <p><u>Residential:</u> A minimum of 1 car space and a maximum of 3 car spaces per dwelling. = 3 parking spaces minimum</p> <p><u>Overall</u> Total = 15 parking spaces provided (including 8 parking spaces on-site and 7 parking spaces through a VPA – monetary contribution)</p>	<p><u>Restaurant</u> Less than or equal to 100m² of total dining, bar area: No requirement.</p> <p><u>Business/office/shops:</u> 1 car space per 40m² of half the gross floor area (GFA) of the premises; and a planning agreement is considered on the remaining 50% of parking requirements for the purpose of public parking.</p> <p>GFA 471m²/40m² = 11.77 spaces or 12 spaces</p> <p><u>Residential:</u> A minimum of 1 car space and a maximum of 3 car spaces per dwelling. = 3 parking spaces minimum</p> <p><u>Overall</u> Total = 15 parking spaces required</p>	No, see comment [2] below	N/A

[1] Active Street Frontage

BDCP 2015 – Part A1 requires that the design of the street frontage must ensure that the ground floor is at the same level as the footpath and accessible directly from the street. However, a condition of consent will require the ground floor level to be RL16.8 which is 600mm higher than the footpath level. This is a requirement of the Stormwater System Report which requires the floor level to be above the 1 in 100 year flood level. As the higher floor level is set by Council's Stormwater Systems Report in order to design a building that is suitable for the medium risk stormwater flood affectation on this site, it is considered that the proposed variation is worthy of support in this case.

[2] Car Parking

Bankstown DCP 2015 – Part B5 requires the development to provide 15 off-street parking spaces, however the development only proposes eight off-street parking spaces (three of which are for the residential component of the development).

Of the twelve commercial spaces required, five are proposed on-site and the developer proposes to cover the shortfall of seven by entering into Voluntary Planning Agreement (VPA) to pay a monetary contribution in lieu of those parking spaces. This equates to 58% of the commercial spaces proposed to met by the VPA, rather than the 50% specified by BDCP 2015 – Part B5.

Whilst less than 50% of the commercial car parking demand generated by the development has been provided for on-site (being 42%), it is considered that the monetary contribution in the form of a VPA being made for the shortfall of 58% can be used to improve and embellish public car parking within the surrounding locality. The levying of a contribution in lieu of on-site car parking in this case (being greater than 50%) represents a minor variation to BDCP 2015 – Part B5, however the proposed variation is not inconsistent with previous development applications (with VPAs for car parking) approved by Council within the CBD. It is therefore considered that approval of the proposed car parking variation is worthy of support in this case.

Planning agreements [section 4.15(1)(a)(iia)]

The Local Planning Panel Direction – Development Applications signed by the Minister for Planning 23 February 2018 outlines the type of development applications that are to be referred to Local Planning Panels for determination for all Councils in Sydney and Wollongong City Council. The Direction states “*Local planning panels of Councils in the areas identified in the Table below are to determine development applications involving development of a kind specified in the Schedule to this direction that is identified in the Table below*”. The table lists Canterbury-Bankstown City Council referral criteria in Schedule 2. Section 4(f) of Schedule 2 states “*Development applications for which the developer has offered to enter into a planning agreement*”.

Council adopted a Voluntary Planning Agreement Policy on 28 February 2017. Clause 3.1.2 of the policy refers to Development Applications as follows:

The Council will require the Developer to execute the agreed draft VPA or to have provided a detailed written irrevocable offer acceptable to the Council before the Development Application is determined (whether by the governing body or a delegate).

If the Developer has submitted a detailed written irrevocable offer acceptable to the Council, any Development Consent granted by the Council to the Development Application will ordinarily be subject to a deferred commencement condition requiring the VPA to be entered into in accordance with the offer before the consent operates.

At this stage, the owner has provided Council with a written offer to pay monetary contributions in-lieu of providing seven on-site parking spaces in the form of a Voluntary Planning Agreement.

Therefore the requirements of Council's Voluntary Planning Agreements Policy have been met and development consent can be granted subject to a deferred commencement condition requiring that a VPA be entered into to address the deficient parking spaces prior to the issue of an operational consent.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is not considered to be inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

The likely impacts of the development [section 4.15(1)(b)]

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As such, the development would have an acceptable impact on the adjoining natural, social, economic and built environments.

Suitability of the site [section 4.15(1)(c)]

The site is considered suitable for the proposed development. The proposed development results in an appropriate built form for the site which is consistent with the longer term desired future character illustrated in Council's Development Control Plan and Local Environmental Plan.

Submissions [section 4.15(1)(d)]

The application was notified to adjoining properties and advertised in the Torch newspaper for 21 days. No submissions were made during the notification period.

The public interest [section 4.15(1)(e)]

The proposed development would not contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the relevant specific environmental planning instruments, including State Environmental Planning Policy 55—Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The proposed development results in an appropriate built form for the site which is consistent with the longer term future desired future character illustrated in Bankstown Development Control Plan 2015 and Bankstown Local Environmental Plan 2015.

It is recommended the development application be approved on a 'deferred commencement' basis subject to the attached conditions and the following deferred commencement condition:

The following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

- 1) *A Voluntary Planning Agreement (VPA) to provide for the deficient 7 car parking spaces shall be entered into prior to the issue of an operational consent.*

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. *A Voluntary Planning Agreement (VPA) to provide for the deficient seven (7) car parking spaces shall be entered into prior to the issue of an operational consent.*

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Division 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Sections 9.37 and 9.50 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.

6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-562/2017, submitted by Colin De Lore & Associates, accompanied by Drawings listed in the table below, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing Number	Drawing Title	Prepared By	Revision	Dated
DA00	Chapel Road South Elevation	Colin De Lore & Associates Pty Ltd	C	27/02/18
DA01	Site Analysis and Demolition Plan		-	14/01/17
DA02	Site Plan		-	14/01/17
DA03	Ground Floor Level 1 Floor Plan		B	24/01/18
DA04	Level 2 Floor Plan		B	27/02/18
DA05	Level 3 Floor Plan		B	27/02/18
DA06	Roof Plan		A	01/05/17
DA07	Elevations		C	27/02/18
DA08	Sections		B	27/02/18

The development plans shall be amended as follows:

- a) The commercial ground floor level shall be amended to be RL16.8m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- 3) No approval is granted or implied for the use of the commercial floor space. Separate Development Consent for the use of the commercial floor space is required prior to occupation.

- 4) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with the relevant legislation.
- 5) The Preliminary Site Investigation prepared by Hayes Environmental Consulting Pty Ltd titled, *Stage 1 Preliminary Environmental Site Investigation, 272-276 Chapel Road, South Bankstown NSW 2200*, report number EP511 AB, dated 28 April 2008 and the addendum prepared by Hayes Environmental Consulting Pty Ltd dated 25 January 2015 and the recommendations stated within, form part of the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 6) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 7) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 8) All relevant and appropriate water conservation and energy efficient requirements of BDCP 2015 – Part B4 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate.
- 9) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please 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.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 10) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 11) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 12) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$27,696.15 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 13) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 14) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) A medium duty VFC at the property boundary fronting Dale Parade.
 - b) Drainage connection to Council's system.
 - c) Full width concrete footway/paving along the sites entire frontage to Chapel Road in accordance with the local CBD requirement Type 1 Specification - being 'Urbanstone' or approved equal concrete unit pavers, with dimensions of 400mm x 400mm x minimum 50mm mortared in over a 125mm thick fibre-reinforced concrete base. Pavement is to be laid in stretcher bond pattern, set perpendicular to the line of the kerb. Paver colours are 'Lamington' (infill pavers) and 'Silver Grey' (banding and header course) and are to be sealed with an approved sealant.
 - d) Concrete kerb and gutter along the sites both frontage Chapel Road and Dale Parade.
 - e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f) Repair of any damage to the public road including the footway occurring during development works.

- g) 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: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 15) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 15MB6597/D01 & D02, issue C 6/6/2017 prepared by UNITED CONSULTING ENGINEERS PTY LTD. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 16) The subject site is affected by local overland flooding and shall comply with the following:
 - a) The minimum floor level of the proposed structure(s) shall be constructed to RL 16.8m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- 17) 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.

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 a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 18) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to 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 and a new Construction Certificate.

- 19) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 20) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 21) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction**

vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.

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

In addition a RMS 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.

- 22) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work

e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

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

- 23) 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 that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained 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.
- m) Demolition is proposed.
- n) Subdivision is proposed.

- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 24) A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 25) The demolition of all structures currently existing on the property must be undertaken, subject to strict compliance with the following: -

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
 - i. A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the

site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.

- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected

against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.

- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
 - o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
 - p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- 26) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building 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 certifying authority of any such appointment, and

- iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 27) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 28) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 29) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 30) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 31) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 32) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction 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 works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 33) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 34) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 35) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 36) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 37) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 38) 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.
- 39) 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.

- 40) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 41) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 42) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 43) 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 Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 44) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 45) Lighting at the entry and exit points to the building shall be installed, to increase security and reduce the risk of crime.
- 46) Closed Circuit Television (CCTV) shall be installed, particularly focusing on entry and exit points to the building.
- 47) Pedestrian warning signs and removable bollards shall be installed at the Dale Parade pedestrian exit from the building.

- 48) A new full-width footway shall be installed, which meets all requirements of Bankstown City Council's CBD Type 1 Specification - being 'Urbanstone' or approved equal concrete unit pavers, with dimensions of 400mm x 400mm x minimum 50mm mortared in over a 125mm thick fibre-reinforced concrete base. Pavement is to be laid in stretcher bond pattern, set perpendicular to the line of the kerb. Paver colours are 'Lamington' (infill pavers) and 'Silver Grey' (banding and header course) and are to be sealed with an approved sealant. All works required shall be completed to the satisfaction of Council, prior to the issue of a Works Permit Compliance Certificate.
- 49) Two (2) new canopy trees are to be planted within Council's footway area to Bankstown City Council's specifications and planted at a minimum of 200L bag size. Tree species shall be '*Pyrus calleryana* var. Bradford'. All works required shall be completed to the satisfaction of Council, prior to the issue of a Works Permit Compliance Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 50) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 51) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 52) Eight off street car spaces being provided in accordance with the submitted plans. This shall comprise:
- Three (3) residential spaces
Five (5) business / commercial spaces, one (1) of which 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.
- 53) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

- 54) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

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

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

- 55) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 56) Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the *NSW EPA Waste Classification Guidelines 2014* and the *Protection of the Environmental Operations Act 1997*.

Detail demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 57) 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. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as 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 shall be

varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

- 58) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 59) Prior to the issue of a Works Permit Compliance Certificate, all works required by conditions 48 and 49 shall be completed to the satisfaction of Council.
- 60) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 61) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 62) Prior to the issue of an Occupation Certificate the monetary contribution required by the Voluntary Planning Agreement referred to in Schedule A of this consent shall be paid to Council.

-END-