

CONDITIONS OF CONSENT

GENERAL CONDITIONS

7. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent. *Reference documentation is also listed below*

Drawing No.	Author	Date Received by Council
Mixed Use Development Title & Location Plan – Project 3312 – A01 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Site Analysis Plan – Project 3312 – A02 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Basement Plan – Project 3312 – A03 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 1 Plan – Project 3312 – A04 – Issue 09	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 2 Plan – Project 3312 – A05 – Issue 07	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 3 Plan – Project 3312 – A06 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 4 Plan – Project 3312 – A07 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 5 Plan – Project 3312 – A08 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 6 Plan – Project 3312 – A09 – Issue 09	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Level 7 Plan – Project 3312 – A10 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Roof Plan – Project 3312 – A11 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013

Drawing No.	Author	Date Received by Council
Mixed Use Development Elevations 1 Plan – Project 3312 – A20 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Elevations 2 Plan – Project 3312 – A21 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Elevations 3 Plan – Project 3312 – A22 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Sections – Project 3312 – A23 – Issue 08	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Material Board Sheet 1 – Project 3312 – A50 – Issue 04	Krikis Tayler Architects Pty Ltd	10 July 2013
Mixed Use Development Material Board Sheet 2 – Project 3312 – A51 – Issue 04	Krikis Tayler Architects Pty Ltd	10 July 2013
Stormwater Concept Drawings – Cover Sheet, Legend & Drawing Schedule – Stage 1 – Job No. 120361 – Dwg D00 – Rev. C	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Erosion & Sediment Control Plan – Stage 1 – Job No. 120361 – Dwg D01 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Stormwater Drainage Catchment Plan – Stage 1 – Job No. 120361 – Dwg D02 – Rev. C	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Basement Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D03 – Rev. C	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 1 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D04 – Rev. C	Australian Consulting Engineering	7 November 2012

Drawing No.	Author	Date Received by Council
Stormwater Concept Drawings – Level 2 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D05 – Rev. C	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Stormwater Drainage Details – Job No. 120361 – Dwg D06 – Rev. D	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 3 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D07 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 4 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D08 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 5 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D09 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 6 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D10 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 7 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D11 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Level 8 Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D12 – Rev. B	Australian Consulting Engineering	7 November 2012
Stormwater Concept Drawings – Roof Stormwater Drainage Plan – Stage 1 – Job No. 120361 – Dwg D13 – Rev. B	Australian Consulting Engineering	7 November 2012

Drawing No.	Author	Date Received by Council
GFA Area Schedule – Date: 8 July 2013 – Rev. C	Krikis Tayler Architects Pty Ltd	10 July 2013
Apartment Schedule – Project No.3312 – Issue: N – 8 July 2013	Krikis Tayler Architects Pty Ltd	10 July 2013
Communal Open Space – Level 1 Plan – Project No.3312 – Dwg No.A25 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Communal Open Space – Level 2 Plan – Project No.3312 – Dwg No.A26 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Site Coverage Plan – Project No.3312 – Dwg No.A27 – Issue 05	Krikis Tayler Architects Pty Ltd	10 July 2013
Deep Soil Area – Project No.3312 – Dwg No.A28 – Issue 06	Krikis Tayler Architects Pty Ltd	10 July 2013
Landscape Plan – Job No.64.13(12)/187 (and as amended by condition 45 below)	iScape Landscape Architecture	10 July 2013

Documentation	Author	Date Received by Council
Remediation Action Plan Ref:ES5074/2NK dated 29 June 2012	Aargus Australia	10 July 2013
Geotechnical Assessment – 1905–A – 2 October 2012	Asset Geotechnical	7 November 2012
Noise Impact Assessment – 20120523/1806A/RO/ BW – 18 June 2012	Acoustic Logic	7 November 2012
Groundwater Monitoring Bore Construction and Soil Sampling Letter Report – 8 May 2013	Environmental and Natural Resources Solutions	25 September 2013
Addendum Report (Groundwater Assessment) – 26 September 2012	Aargus Australia	25 September 2013

Documentation	Author	Date Received by Council
Waste Management Plan – May 2013	Elephants Foot Recycling Solutions	10 July 2013
Internal Traffic Assessment – Ref: 12-115-2 – May 2013	Thompson Stanbury Associates	10 July 2013
Supplementary Information In Relation to Traffic Effects Of Pemberton-Wilson Precinct, Botany – July 2013	Colston Budd Hunt & Kafes Pty Ltd	July 2013
Landscape Design Report	iScape Landscape Architecture	10 July 2013
Pedestrian Wind Environment Statement – WA058-06F01(nev0)-WS Report – 29 October 2012	Windtech	10 July 2013
BASIX Certificate No. 452929M_03 – 21 May 2013	Planning and Infrastructure – NSW Government	10 July 2013

Reference Documentation	Author	Date Received by Council
Statement of Environmental Effects – Dated 5 November 2012 (amended 7 July 2013)	LJB Planning Pty Ltd	10 July 2013
Design Verification Statement	Krikis Tayler Architects Pty Ltd	10 July 2012

No construction works shall be undertaken prior to the issue of the Construction Certificate.

2. The surrender of Development Consent No. 10/313 within 30 days from the issue of this consent. The surrender of the Development Consent is to be in accordance with Clause 97 of the Environmental Planning and Assessment Regulation 2000 under that Regulation.
3. The proposed residential flat buildings (D, E and F), shall have a maximum floor space ratio of 1.08:1 over the entire site and shall comply with the following maximum height restrictions:
 - (a) Building 'D' – 6 storeys, with a height of RL24.7 AHD to the roof and RL26.0 AHD to the lift overrun; and,
 - (b) Building 'E' – 6 to 7 storeys, with a height of RL26.2 AHD to the roof and RL27.3 AHD to the lift overrun; and,

- (c) Building 'F' – 6 storeys, with a height of RL24.7 AHD to the roof and RL26.0 AHD to the lift overrun.
- 4. This consent does not give approval to the development of Buildings A, B and C.
- 5. The applicant must, prior to the issue of any Construction Certificate, pay the following fees:-
 - (d) Builders Security Deposit \$25,000.00
 - (e) Development Control \$11,055.00
 - (f) Inspection and Plans checking fee \$1,000.00
 - (g) Waste Levy \$12,000.00
- 6.
 - (a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - (b) All plumbing stacks, vent pipes, stormwater downpipes including balcony drainage and the like shall be kept within the building and suitably concealed from view; and,
 - (c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2.
- 7. The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner parts of the basement car park.
- 8. This Consent relates to land in Lot 100 in DP 875508, as such, building works must not encroach on to adjoining lands or other public places.
- 9.
 - (a) The cycleway and pedestrian link adjoining Building F shall be identified on the construction plans prior to the issuing of the Construction Certificate; and,
 - (b) The cycleway and pedestrian link shall be shown on any subsequent subdivision, stratum subdivision and/or strata subdivision of the site which will be subject of a separate development application to Council.
- 10. Any subdivision of the development shall be the subject to a further Development Application to Council.
- 11. Any subsequent Subdivision Application must be accompanied by a formal copy of the By-Laws which shall be in accordance with the plans and documentation approved under this Consent and should also address the following matters:
 - (i) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 12/206;

- (ii) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 12/206;
 - (iii) Responsibilities regarding the maintenance of the car wash bays by the Owners Corporation / building owner;
 - (iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times in accordance the conditions of this consent;
 - (v) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises by 12.00 noon;
 - (vi) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997;
 - (vii) Responsibilities to ensure that graffiti is removed as soon as practicable. In this regard a graffiti management plan is to be incorporated into the maintenance plan for the development;
 - (viii) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the *Environmental Planning and Assessment Regulation 2000*;
12. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. 452929M_03, dated 21 May 2013, for the development are fulfilled.

Note: “relevant BASIX Certificate” means:

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

If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.

BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

13. The consent given does not imply that works can commence until such time that:-
- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - (i) the consent authority; or,
 - (ii) an accredited certifier; and,
 - (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority; and,
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) the person having the benefit of the development consent has given at least 2 days notice to the Council of the persons intention to commence the erection of the building.
14. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions, Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the applicant.

CONTAMINATION AND REMEDIATION

15. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan Ref:ES5074/2NK dated 29 June 2012 prepared by Aargus Australia including the Addendum Report (Groundwater Assessment) dated 26 September 2012 prepared by Aargus Australia and Groundwater Monitoring Bore Construction and Soil Sampling Letter Report dated 8 May 2012 prepared by Environment and Natural Resources Solutions. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

Note: A Site Audit Statement is required by Council at Condition 70 of this consent. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate.

Note: The Validation Report shall be submitted to Council at the completion of site remediation works. The validation Report shall address groundwater investigation works. The Validation report shall address any remediation undertaken to the land to be dedicated to Council as part of the Pemberton Street road widening.

- 16.

Monitoring

- (a) Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

Waste Classification – Excavated Materials

- (b) All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.

Importation of Fill

- (c) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Department of Environment, Climate Change and Water (DECCW) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

Dewatering Water Quality Requirements

- (d) For any water from site dewatering to be permitted to go to stormwater, the water must meet *ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water* for the 95% protection trigger values for Freshwater. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.

Additional information – Contamination

- (e) Any new information regarding the extent of contamination that is discovered during construction and which has the potential to alter previous conclusions about site contamination and remediation, must be notified to Council and the accredited certifier immediately.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 17. The proposed development is to comply with the General Terms of Approval dated 19 July 2013, issued by NSW Office of Water. The technical documentation required by the GTA must be provided to the NSW Office of Water at the time an application for a Water Licence for Temporary Construction Dewatering is made. The conditions are:

- (a) General and Administrative Issues.

The proposed development is to comply with the General Terms of Approval dated 19 July 2013, issued by NSW Office of Water. The conditions are outlined as follows:

- (i) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- (ii) The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be

impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation.

- (iii) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

(b) Prior to excavation

- (i) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- (ii) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- (iii) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (iv) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (v) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- (vi) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

(c) During excavation

- (i) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

- (ii) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
 - (iii) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
 - (iv) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
 - (v) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
 - (vi) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.
 - (d) Following excavation
 - (i) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.
18. The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:
- (a) The property development at 42 - 44 Pemberton street, Botany lies within an area defined in schedules of the civil aviation (buildings control) regulations which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the civil aviation safety authority.
 - (i) Buildings D is to a height of 26 metres above Australian Height Datum (AHD)
 - (ii) Building E is to a height of 27.3 metres above Australian Height Datum (AHD)
 - (iii) Building F is to a height of 26 metres above Australian height datum (AHD)

- (iv) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, tv antennae, construction cranes etc. should you wish to exceed these heights, a new application must be submitted.
- (v) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 no. 161.

Note 1: The SACL heights specified above are higher than the maximum permitted heights of the respective buildings as detailed in Condition No.3. The maximum heights of the approved building shall not exceed the requirements of Condition No.3.

Note 2: Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- the location of any temporary structure or equipment, ie. Construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- the swing circle of any temporary structure/equipment used during construction;
- the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
- the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact Ms Lynne Barrington on (02) 9667-9217.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

Note 2:

Bird and Obstacle Hazard Management

The area in which the proposed development is located is in the vicinity of Sydney (KS) Airport.

To minimise the potential for bird habitation and roosting, the Proponent must ensure that non-bird attracting plant species are used in any landscaping design.

Any landscaping design must minimise the attractiveness for foraging birds, ie: site is kept clean regularly, refuse bins are covered, and detention ponds are netted.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

19. The proposed development is to comply with the conditions provided by Sydney Water dated 19 December 2012. The conditions are outlined as follows:
- (a) The drinking water main available for connection is the 150mm main on the western side of Pemberton Street.
 - (b) The proposed development provides a wastewater loading that exceeds the recommended maximum loading in the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
 - (c) The wastewater main along Pemberton Street will need to be upsized and extended. The developer will be required to:
 - (i) Upsize the wastewater main from 150mm to 225mm from 'A' to 'B', see Figure 1
 - (ii) Extend the upsized 225mm wastewater main from 'B' to 'C', see Figure 1.
 - (iii) Provide a point of connection of the new main, at least one metre past the property's boundary.
 - (d) The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
 - (e) Sydney Water will further assess the impact of any subsequent development when the developer applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of future development and to assess if amplification and/or changes to the system are applicable. The developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development.
 - (f) The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
 - (g) Sydney Water requests the Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.svdneywater.com.au.

20. The applicant shall comply with the following matters provided by Ausgrid dated 30 November 2012:
- (a) Ausgrid will require the provision for an electricity substation within the premises.
21. The applicant should have regard to the following matters provided by NSW Police - Botany Bay Local Area Command, dated 30 January 2013:
- (a) As the proposed development may be exposed to Break Enter and Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit television system (CCTV) which complies with the Australian Standard – Closed Circuit Television System (CCTV) AS4806.2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti social behaviour or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.
 - (b) This system shall consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise. Cameras shall be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas. One or more cameras should be position at the entry and exit points to monitor these areas (underground car park, foyer entrance).
 - (c) Digital technology shall be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
 - (d) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare / high uniformity lighting levels in line with Australian Standard AS:1158.
 - (e) Lighting sources shall be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens).
 - (f) The luminaries (light covers) shall be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.
 - (g) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the development.

Notes:

- (i) It is crucial that the aforementioned cameras are installed as soon as power is available to the site.
- (ii) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- (iii) Any proposed seating area, playground or grass area should be positioned somewhere which can be viewed easily by the community. Consider

whether the area will be used enough to warrant its development. Areas which are isolated, unused and maintained poorly become a breeding ground for anti-social behaviour.

- (iv) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.
- (v) The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- (vi) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space.' Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.
- (vii) Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- (viii) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.
- (ix) Clear street numbers signs should be displayed and appropriately positioned at the front of the business to comply with Local government Act, 1993, Section 124(8). Failure to comply with any such order is an offence under Section 628 of the act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (\$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- (x) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
 - 1. Warning, trespasser will be prosecuted.
 - 2. Warning, these premises are under electronic surveillance.
- (xi) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- (xii) The main access to the underground car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering.
- (xiii) A boom gate should be installed within the underground car park located immediately after the roller door entrance. This will hold residents in the vicinity of the roller door to ensure no unauthorised persons enter after

them. The boom gate will rise when the roller door is completely closed and allow the residents vehicle to move on.

- (xiv) The main entry/egress doors to the development should have an electronically operated lock which require security swipe pass for entry. The lifts operating in the building should have the same security swipe pass technology. When an occupant buzzes in a visitor the lift should recognise the floor the occupant resides and only allow the visitor access to that floor in the lift.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

22. Section 94 Contributions are required to be paid prior to the issue of the Construction Certificate in accordance with the City of Botany Bay Section 94 Contributions Plan 2005-2010. The Section 94 Contribution of \$3,280,000.00 is required as follows:

(a) Community Facilities:	\$295,200
(b) Administration	\$65,600
(c) Open Space and Recreation (outside Mascot Station)	\$2,328,800
(d) Drainage (Wilson / Pemberton Precinct)	\$262,400
(e) Transport Management (Wilson / Pemberton Precinct)	\$328,000

The total Section 94 Contribution of \$3,280,000.00 is to be paid to Council prior to the issue of any Construction Certificate.

23. Prior to issue of any Construction Certificate, a Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

24. Prior to issue of Construction Certificate, a dilapidation report on public infrastructure (including Council and public utility infrastructure) adjoining the development site shall be prepared by a suitably qualified person and submitted to Council/PCA. The report shall include records and photographs of the following area that will be impacted by the development:-

- (a) Pemberton Street; and
- (b) All properties adjoining the site

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the construction. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

25. Prior to issue of Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.
26. Prior to issue of Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
- (a) carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
 - (b) negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - (i) the additional load on the system; and
 - (ii) the relocation and/or adjustment of the services affected by the construction.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

27. Prior to issue of any Construction Certificate, the construction plans shall be revised to address the following: -
- (a) the maximum of reflectivity of glazing shall not exceed 20%;
 - (b) any exterior lighting shall be designed to comply with *Section 9.2.1 – Lighting in the Vicinity of Aerodromes Manual of Standards*;
 - (c) all recommendations stated in the Internal Traffic Assessment Report, prepared by Thompson Stanbury Associates, Ref 12-118, dated November 2012 shall be incorporated into the construction plans;
 - (d) bollards shall be installed at the shared spaces of the disabled parking bays to comply with AS2890.6;
 - (e) the number of disabled parking bays shall comply with AS2890.6;
 - (f) garbage bins collection area shall not obstruct the shared vehicle access driveway, fire escape exits, vehicle entrance to the basement car parking area; and
 - (g) an intercom system shall be provided at the vehicle entrance to the development. This is to ensure visitors can gain access to the visitor parking bays located within the basement car parking area.
28. Prior to the issue of any Construction Certificate, design certification prepared by a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying the internal circulation, driveways, turning area and car parking area shown on the construction plans have been designed in accordance with AS 2890.1 and AS2890.6.

29. Prior to issue of any Construction Certificate, the applicant shall lodge a further Development Application to Council for the civil works associated with the proposed roadway to the south of the subject site identified in the approved Masterplan (Development Consent 10/313) and DCP No. 31. All costs associated with the design and construction shall be borne by the applicant.

Detailed construction plans of the civil shall be submitted to Council as part of the documentation of Development Application and shall include the following: -

- (a) Design and install appropriate and suitable street lighting to a high decorative standard along the entire width of the site to relevant authorities' requirements. The lighting design categories shall be in accordance with AS1158 and not less than **P2** design category.
- (b) Design and construct street stormwater drainage system (including kerb inlet pits and pipes) off Pemberton Street. This work shall include the connection of street drainage system. The design of the system shall be based upon hydraulic grade line analysis.

All the above works shall be designed and prepared by suitably qualified Civil Engineers and Landscape Architects. Documentary evidence of the lodgement of this Development Application shall be submitted to the Principal Certifying Authority.

- 30.
- (a) Prior to the issue of any Construction Certificate, a qualified Civil Engineer experienced in flood modeling shall certify that the construction plans have been prepared in accordance with the modelling and recommendation of the relevant flood studies applicable to the site.
 - (b) Any changes required to the built form to accommodate flooding shall be the subject of a separate application to Council.
 - (c) Certification from the engineer shall be submitted to Principal Certifying Authority and all costs associated with the certification shall be borne by the applicant.
- 31.
- (a) Prior to issue of any Construction Certificate, flood and stormwater management strategy (including detailed plans) and certification, prepared by a qualified civil engineer experienced in flood and stormwater management design, shall be submitted to Council demonstrating appropriate flood and stormwater management measures will be implemented for the development in accordance with NSW Flood Development Manual.
 - (b) Written confirmation shall be obtained from Council and submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.
32. Prior to the issue of any Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development shall be prepared by a suitably qualified civil engineer experienced in drainage design and submitted to Council and the Principal Certifying Authority for approval. The detailed stormwater management plans shall address the following: -

- (a) The stormwater drainage system (including gutters, pits, pipes, downpipes, rainwater re-use system, On-Site Detention (OSD) system, Stormwater Quality Improvement Devices (SQID)) shall be shown on the stormwater management plans. All stormwater runoff generated from the buildings and its associated impervious area shall be directed to the SQID and OSD systems and discharged to public stormwater drainage system.
- (b) Details showing proposed drainage connection from the site to public stormwater drainage system shall be shown on the stormwater management plans. It should be noted that any works associated with the drainage connection from the site to public stormwater drainage system will require separate approval from Council's engineer.
- (c) An On-Site Detention (OSD) system shall be provided to the site and designed to comply with the following:
 - (i) Stormwater runoff generated from the roof and impervious area of the development shall be detained on-site for all storm events up to and including 1 in 20 year ARI design storms and the permissible site discharge (PSD) of the OSD system shall not exceed the 1 in 5 year ARI peak flow under the "State of Nature" condition (i.e. the site is totally grassed/turfed) despite of the existing impervious area;
 - (ii) Detailed OSD calculation shall be submitted to Council with the stormwater management plans. If computer modelling, such as DRAINS is used to design the OSD system, the working files shall be submitted to Council to verify the input parameters and layout of the model;
 - (iii) Emergency overflow path of the OSD system shall be shown on the plans to ensure any overflow from the OSD system will be conveyed to public stormwater drainage system. Consideration shall be given to ensure stormwater in the emergency overland flow path will not be diverted into the any buildings;
 - (iv) Submerged outlet conditions shall be considered in determining the required OSD volume if the invert level of the orifice is below the 1 in 100 year ARI flood level at the connection point; and,
 - (v) OSD system shall be located in common area and the maintenance access grates to the OSD tanks shall be provided maximum in 6m interval.
- (d) All stormwater runoff discharging from the site (including discharge from the OSD system, surface runoff and runoff bypassing the OSD system) shall meet the stormwater pollutant reduction targets stated in "*Botany Bay & Catchment Water Quality Improvement Plan*". Details of the Stormwater Quality Improvement Devices shall be shown on stormwater management plan and supported by MUSIC modelling.
- (e) Grated boundary pits (minimum 900mm x 900mm) shall be provided to the site stormwater drainage system prior to discharging stormwater into public stormwater drainage system.
- (f) Pump-out system shall be provided to the basement car parking area in order to collect stormwater runoff from the driveway ramp. Subsoil

drainage lines shall not be provided to the basement area if it is below to the groundwater table. The pump-out system shall be designed to comply with the following: -

- (i) The volume of the pump-out storage tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.
 - (ii) Information of the selected pumps (eg brand, model numbers, performance curve and specifications) shall be submitted to Council to ensure the pump has adequate capacity. Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
 - (iii) The pump-out system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
 - (iv) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
 - (g) Detailed drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's guidelines, Australian Rainfall and Runoff (AR&R), AS 3500.3 and BCA requirements. All drawings shall correspond with the approved architectural plans. Design certification from the engineer shall be submitted to Principal Certifying Authority.
33. The applicant shall submit to the Principal Certifying Authority prior to the issuing of the Construction Certificate details of plans showing that the car wash bay meets the following requirements. The car wash bay(s) must:
- (a) Have adequate parking and washing floor space, turning area, and water supply;
 - (b) Minimise water use with appropriate devices (such as a gun-type nozzle which closes when released and a timer operative valve; collection and use of rainwater);
 - (c) Have a water supply cut out/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system;
 - (d) Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment;
 - (e) Be designed to ensure that spillages and wastewater is not discharged to the stormwater system or surrounding environment;

- (f) Be located so that washing can occur with minimal disturbance to other residents;
- (g) Ensure that noise emissions from the car wash down bay does not exceed 5dB(A) above the background noise levels at any time, as measured at the nearest residential property boundary and install noise effective barriers;
- (h) Be suitably grouped and conveniently sited and identified;
- (i) Have good ventilation and good lighting;
- (j) Have regard to the safety of pedestrians and traffic; and
- (k) Discharge to the sewer via appropriate pre-treatment.

All car wash bays that discharge to sewer must meet the following requirements:

- (a) The floor must be sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point;
- (b) The wash bay is to be roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay;
- (c) A bund must be constructed and maintained around the perimeter of the bay. The bund is to be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system;
- (d) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;
- (e) The collection pit shall be a minimum of 1000 litres; and
- (f) A Permission to Discharge Trade Wastewater Certificate issued by Sydney Water must be obtained prior to the approval of the development.

34. Prior to the issue of any Construction Certificate, a detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to Principal Certifying Authority for approval. The plan shall: -

- (a) be prepared by an RMS accredited qualified person;
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;
- (c) indicate the construction vehicle access point to the site be limited on Pemberton Street only;
- (d) indicate the frequency of truck movements;
- (e) ensure any vehicles accessing the site or associated with construction activities be restricted to 19m (defined as a Long Vehicle);
- (f) ensure all traffic (including worker's vehicles) generated from the construction activities shall enter and leave the site in a forward direction; and,

- (g) ensure any heavy vehicles and trucks associated with construction activities be restricted to the following designated traffic routes:
 - (i) Ingress route:

Foreshore Drive – Botany Road – Pemberton Street.
 - (ii) Egress route:

Pemberton Street – Botany Road – Foreshore Drive.
- 35. Prior to the issue of any Construction Certificate, a detailed Construction Management Plan (CMP) shall be submitted to Principal Certifying Authority and Council for approval of the site works. The CMP shall address the following:-
 - (a) Legitimate vehicle access paths shall be established for all the lots between Pemberton Street and the development to permit vehicles associated with construction activities to access the construction area.
 - (b) All vehicles (including worker's vehicles) associated with construction activities shall enter and leave the site in a forward direction ONLY.
 - (c) All vehicles (including worker's vehicles) associated with the construction activities shall only be allowed to park within the site.
 - (d) Construction building materials shall be stored wholly within the site, and their storage location/s shall not obstruct the floodway.
 - (e) Access to adjacent buildings and pedestrian and vehicle access fronting Pemberton Street shall be maintained at all times. No closure of any road reserve will be permitted without Council approval.
 - (f) Under no circumstance (except emergency) shall any trucks be permitted to queue and wait on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site.
 - (g) Locations of site office, accommodation and the storage of major materials related to the project shall be within the site.
 - (h) Protection of adjoining properties, pedestrians, vehicles and public assets shall be implemented at all times.
 - (i) Location and extent of proposed builder's hoarding and Work Zones, if there is any, shall be shown on the plan.
 - (j) Tree protection management measures for all protected and retained trees shall be implemented at all times.
- 36. Prior to the release of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.
- 37. Prior to issue of any Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority with the application for Certificate. Storage of Waste and recycling shall meet the following requirements:

- (a) Waste and recycling for commercial users shall be in a separate room from the storage of waste and recycling for residential users;
 - (b) The rooms for the storage of garbage and recyclable materials shall be fully enclosed;
 - (c) Adequately ventilated and of a suitable size to contain compaction equipment;
 - (d) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - (e) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation; and,
 - (d) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
38. The following requirements apply to telecommunication facilities in the building:
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the Principal Certifying Authority prior to issue of any Construction Certificate.
- 39.
- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill;
 - (b) All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting; and
 - (c) The installation of solar power to external space lighting. Details shall be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.
40. Prior to issue of any Construction Certificate, the measures required in the Aircraft Noise Intrusion Report prepared by Acoustic Logic dated 18 June 2012 shall be undertaken in accordance with the provisions of AS2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021-2000 shall be incorporated into the construction of the building. Acoustic measures required are to be incorporated into the Construction Certificate plans.
41. Prior to the issue of a Construction Certificate, details addressing the following matters shall be submitted to the Principal Certifying Authority:

- (a) The proposal shall comply with the minimum unit sizes contained within Section F1 of Council's DCP No. 31 which are as follows:
- Studio apartments = 60m²
 - 1 bedroom apartment = 75m²
 - 2 bedroom apartment = 100m²
 - 3 bedroom apartment = 130m²
- (b) Storage shall be provided for each unit in accordance with the following:
- (i) The proposal shall comply with the minimum storage requirements contained within Section F10 of Council's DCP No. 31 which are as follows:
- Studio apartment = 6m²
 - 1 bedroom apartment = 8m²
 - 2 bedroom apartment = 10m²
 - 3 bedroom apartment = 12m²
- (c) A minimum of 50% of the storage requirements shall be provided within the unit, and the remainder shall be provided in the basement, in accordance with DCP No. 31;
- (d) The storage areas shall have a minimum height of 1.5 metres in accordance with DCP 31;
- (e) Storage areas within the basement shall be constructed in accordance with the following requirements as recommended by the NSW Police:
- (i) The construction shall be undertaken using solid frame construction and each storage area shall be provided with a proper key lock that complies with Australian Standard AS:4145:1993; and
- (ii) These storage areas shall be monitored by CCTV cameras at all times, and,
- (f) Six (6) adaptable housing units shall be designed and incorporated into the construction plans to comply with DCP 31.
42. Prior to the issue of any Construction Certificate, a minimum 285 off-street car parking bays as defined in AS2890.2 shall be provided to the development as shown on the approved architectural plans. All parking bays and loading bays shall be line marked. The allocation of parking bays shall be in accordance with the following:-
- (a) 285 *parking bays* shall be allocated to residents and visitors parking only. The allocation of parking bays shall be based on the following rate:
- Studio/ 1-bedroom unit 1 space / unit
 - 2-bedroom /3-bedroom 2 spaces / unit
- (b) Seventeen (17) off-street parking bays shall be made available at all times for visitors parking, with minimum three (3) parking bays to also be used as car wash bays.

- (c) A minimum of seven (7) parking bays shall be dedicated to disabled parking and shall be constructed in accordance with the relevant Australian Standard.
- (d) A minimum three (3) car wash bays shall be provided and shall be connected to water and sewer.

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CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORKS

43. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
44. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -
- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
 - (c) Permit for roads and footways occupancy (long term/ short term);
 - (d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - (e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - (f) Permit to place skip/waste bin on footpath and/or nature strip;
 - (g) Permit to use any part of Council's road reserve or other Council lands;
 - (h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area; and,
 - (i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Traffic Engineer for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s))

Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

(Note: It should be noted that:

- No works or occupancy shall be carried out in road reserve until permits have been granted from Council's engineers. Any works shown within Council's road reserve or other Council lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied; and,
- The issue of such permits may involve approval from RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS RELATED TO THE DEVELOPMENT

45. Prior to the commencement of construction of Buildings D, E and F, the landscape areas shown on the plan by iScape dated May 2013, shall be the subject of detailed amended landscape documentation – plans and specifications to be submitted to the Principal Certifying Authority and Council and approved by Council’s Landscape Architect. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council’s Landscape DCP and shall address the following matters:

- (a) Soil depths for ALL podium landscape areas and planters is required to be 900mm (not 600mm) to allow the planting of medium-large canopy tall/broad trees to provide improved visual amenity for the development and better cater for tree root requirements;
- (b) Northern boundary/Block D. In the second terrace immediately adjoining the northern boundary, the 900mm deep planter is to include a dense layer of medium height screening canopy trees. To provide improved lateral root run, the terracing should be deleted in favour of a wide planter, unrestricted by terrace walls, to reduce root confinement by terrace walls;
- (c) Provide narrow canopy, evergreen trees to the northern boundary of Block F for screening (eg. Native Frangipanni, Native Quandong, Lillypilly or Dwarf Magnolia);
- (d) Provide suitable size and depth planters to allow small trees to be planted in the 5 terraces on southern frontage of Block E;
- (e) Ensure suitable species with dimensions to adequately screen the exposed walls of terraces elevated off street level and visible from the public domain (southern and eastern elevations). Suitable species to screen exposed walls internally are also to be utilised;
- (f) Include additional medium-large canopy trees in the eastern and southern setbacks of Block F, and in the planter behind and to the south of Block C;
- (g) Pot size for ER, TL, PR and PC to be increased to 200L, increase CM (on site) to 100L;
- (h) Include podium planter box construction details and depths for all areas in accordance with DCP 32 and Condition 45(a) above, including provision for medium and large sized (6-12 metre high) canopy trees. Minimum soil depth in all podium planters is required to be 900mm, areas of turf may be less;

Note: This may necessitate a lowering of the basement ceiling height or increase in planter box depth above ground. Saturated soil weights to be include in design of basement structure.

- (i) All planters and areas to be landscaped are to be irrigated, with internal drainage;
- (j) Specifications detailing soil and mulch finishes;
- (k) Areas of paving, schedule of paving materials, edge treatments and sectional construction details. All pedestrian walkways to be unit paved or similar only;

- (l) Fencing, privacy screening, pergolas and the like – elevations and materials, as well as other landscape elements such as furniture, landscape/amenity, lighting design, particularly for through site link, bollards and so on. Provide sectional construction details, elevations and materials;
Note: The Applicant should consider visual resolution where masonry dividing walls and palisade fencing in the New Street 1 setback meet.
 - (m) A raised concrete edge or wall shall be installed around all landscape areas to contain soil and mulch finishes where adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable and only be used between planter beds and turf areas; and,
 - (n) Screen planting adjoining the northern and eastern boundaries shall comprise close planted canopy trees of varying height.
46. During excavation and construction the management of potential and actual acid sulfate soils shall be conducted in accordance with the approved Acid Sulfate Soils Management Plan.
47. During excavation and construction all management measures recommended and contained within the Soil and Water Management Plan (SWMP) submitted as part of the Construction Certificate shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.
48. During excavation and construction the principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) The Soil and Water Management Plan if required under this consent;
 - (b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - (c) Protection of the Environment Operations Act 1997.

Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The “Do it Right On Site,” can be down loaded free of charge from Council’s website and further information on sediment control can be obtained from www.ssroc.nsw.gov.au.

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the *Protection of the Environment Operations Act 1997* without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

49. During excavation and construction For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for freshwater. The results of all testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water is acceptable to be released into council's stormwater system.
50. During excavation and construction All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.
- 51.
- (a) The applicant shall conduct all demolition, excavation, construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - (e) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and /or other plant and equipment.
52. During excavation and construction and any associated deliveries activities, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles)

shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

53. During excavation and construction and any associated deliveries activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or onto any Council lands.
54. During excavation and construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:-
- (a) Approved Erosion and Sediment Control Plan; and
 - (b) Approved Construction Traffic Management Plan approved under No.34;
55. All works carried out on the road reserve (including future road reserve area) shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages: -
- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works
 - (b) Prior to backfill of street drainage pipes
 - (c) Prior to placement of concrete (vehicular crossings, kerb and gutter, footpaths and shared pedestrian/cyclist paths)
 - (d) Prior to placement of road pavement
 - (e) Final inspection
- Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for any additional inspections undertaken by Council.
56. The development is to be constructed to meet the requirements detailed in the approved report (Noise Impact Assessment – 20120523/1806A/RO/BW Acoustic Logic 18 June 2012) and the following construction noise requirements:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:

- (ii) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - (c) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (i) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - (d) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm
 - (ii) Saturday 07:00am to 04:00pm
 - (iii) No Construction to take place on Sundays or Public Holidays.
 - (e) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.
57. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
58. The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA Environmental Noise Control Manual.
59. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
60. Any new information that comes to light during construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
61. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- (a) Erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - (b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:-
 - (1) to a public sewer; or
 - (2) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - (c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.

62. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (c) the Development Approval number;
 - (d) the name of the Principal Certifying Authority including an after hours contact telephone number; and,
 - (e) any such sign is to be removed when the work has been completed.
- 63.
- (a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards;
 - (b) All excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - (c) If the soil conditions require it:-
 - (i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and,
 - (ii) adequate provision must be made for drainage.
 - (d) Existing structures and or services on this and adjoining properties are not endangered during any excavation or construction work associated with the development. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures; and,
 - (e) As 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:
 - (i) Protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) Where necessary, underpin the adjoining premises to prevent any such damage.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE

64. Prior to the issue of any Occupation Certificate, the applicant shall lodge with the Council a performance bond of **\$100,000** against defective public civil works undertaken by the main contractor for a period of **twelve (12)** months from the date of the completion agreed by Council. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee, which will be refundable (with no interest) subject to the approval of Council at the end of the maintenance period. In this period, the Applicant is liable for any part of the work, which fails to achieve the design specifications. Council shall be given full authority to make

use of the bond for such restoration works within the maintenance period as deemed necessary.

65. It is a condition of consent that the applicant shall, at no costs or expense to Council, comply with the following:

- (a) Dedicate to Council that part of land required for a 3m wide public shared pedestrian/cyclist path within the subject site running north-south parallel to Building F prior to the issue of either an Interim or Final Occupation Certificate; and
- (b) Dedicate to Council that part of land required for road widening along the site's Pemberton Street frontage prior to the issue of either an Interim or Final Occupation Certificate

66. Prior to the issue of either an Interim or Final Occupation Certificate:

- (a) Landscaping on the property shall be installed in accordance with the City of Botany Bay approved landscape documentation only, as stamped by Council's Landscape Architect, prior to the issue of an Occupation Certificate. This amended landscape documentation will supercede landscape plans submitted by iScale dated May 2013. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's Landscape DCP No. 32 at all times.
- (b) Any electrical kiosk, fire booster assembly or similar utilities must be screened by a built screen enclosure with screen gates/doors and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.
- (c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements :
 - (i) Ensure soil depths strictly in accordance with Council's Landscape DCP – min. 900mm for all areas containing trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes. Turfed areas require a minimum 5% cross fall.
 - (ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - (iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- (iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - (v) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- 67. Prior to the issues of a Final Occupation Certificate, as required by Council's DCP for multi-unit dwellings:
 - (a) Mailboxes shall be provided to all units in accordance with Australia Post standards; and
 - (b) The name and address of the premises shall be displayed in a visible position.
- 68. Prior to the issues of a Final Occupation Certificate, a Certificate from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that:
 - (a) the proposed residential flat buildings (D, E and F), shall have a maximum floor space ratio of 1.08:1 over the entire site and shall comply with the following maximum height restrictions:
 - (i) Building 'D' – has a maximum a height of 19.42m to the roof and 20.72m to the lift overrun; and,
 - (ii) Building 'E' – has a maximum height of 21.8m to the roof and 22.9m to the lift overrun; and,
 - (iii) Building 'F' – has a maximum height of 20.02m to the roof and 21.32m to the lift overrun.
- 69. Prior to the issues of either an Interim or Final Occupation Certificate, New Street 1 shall be completed and commissioned in accordance with the terms and conditions of Development Consent to DA12/195 as issued by Council on 17 July 2013.
- 70.
 - (a) Prior to issue of either an Interim or Final Occupation Certificate, to ensure that the site including the land to be dedicated to Council as part of the Pemberton Street road widening is suitable for the use, a Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 shall be submitted to Council/PCA clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the issuing of the Occupation Certificate.
 - (b) Any conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a s96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions. The accredited site auditor shall provide Council

with a copy of the Site Audit Report (SAR) and Statutory Site Audit Statement (SAS), confirming the suitability of the site for the proposed development prior to the issuing of any Occupation Certificate.

71. Prior to the issue of either an Interim or Final Occupation Certificate, any damage not shown in the dilapidation report submitted to Council/PCA as required by Condition No. 23 before site works have commenced, will be assumed to have been caused by the site works undertaken (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction.
72. Prior to the issue of either an Interim or Final Occupation Certificate of the relevant stage, documentation from suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying that the car parking area, loading area, turning area access ramps, driveways and internal circulation driveways have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. All internal circulation road network, parking and loading facilities shall be clearly designated, sign posted (including "Passenger Vehicle Only", "Entry Only" and "Exit Only" signs) and line marked. Signage and line marking shall comply with the current version of Australian Standards.
73. Prior to the issue of either an Interim or Final Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
74.
 - (a) Prior to the issue of either an Interim or Final Occupation Certificate, the construction of the stormwater drainage system of the proposed development shall be completed in accordance with the approved stormwater management construction plan(s).
 - (b) Documentation from a practicing and qualified Civil Engineer experienced in stormwater drainage design shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed in accordance with the approved stormwater management construction plan(s) and accepted practice.
75. Prior to the issue of either an Interim or Final Occupation Certificate, the maintenance schedule of the stormwater drainage system (including on-site detention system, pump-out system and stormwater quality improvement devices) shall be prepared by a qualified engineer and submitted to Principal Certifying Authority. A copy of maintenance schedule shall also be submitted to Council for record purpose.
76. Prior to the issue of either an Interim or Final Occupation Certificate, written documentation from a registered surveyor shall be submitted to Council and Principal Certifying Authority certifying the following: -
 - (a) Finished floor levels (FFLs) of the habitable floor area and the crest of the driveway access ramp to the basement car parking area have been

constructed minimum 500mm and 300mm above the 1 in 100 year ARI flood level.

77. In order to ensure that the constructed stormwater drainage system for the development (including on-site detention system, pump-out system and stormwater quality improvement devices) will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the *Conveyancing Act 1919* shall be created in favour of Council as the benefiting authority for the 'as-built' system. The wording of the terms of the Positive Covenant and Restriction on the Use of Land are available at Council. The relative location of the system in relation to the building footprint shall be shown on a scale sketch attached as an annexure to the plans/forms. City of Botany Bay Council shall be the authority empowered to release, carry or modify the restriction. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.
- 78.
- (a) Prior to the issue of either an Interim or Final Occupation Certificate, the following civil works shall be completed to the satisfaction of Council: -
 - (i) Installation of underground electricity and telecommunication cables to relevant authorities' requirements.
 - (ii) Installation of appropriate and suitable street lighting to a high decorative standard along the entire Pemberton Street frontage of the site in accordance with the relevant authorities' requirements. The lighting design categories shall be in accordance with AS1158 and not less than **P2** design category.
 - (iii) Construction of street stormwater drainage system (including kerb inlet pits and pipes) along Pemberton Street.
 - (b) The following documentation shall also be submitted to Principal Certifying Authority attesting this condition has been appropriately satisfied.
 - (i) Written confirmation / completion certificate obtained from Council.
 - (ii) Inspection reports (formwork and final) for all the above civil works shall be obtained from Council.
 - (iii) A copy of the approved civil works engineering plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor
79. Prior to the issue of Final Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to building height, drainage, boundary and road reserve levels, have been strictly adhered to.
80. Prior to the issue of either an Interim or Final Occupation Certificate, the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the Aircraft Intrusion report referred to in Condition No. 40 of this consent have been carried out and certify that the construction meets those requirements. The report must be prepared by a qualified practicing acoustic

engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

81. The name of the development, street numbers and unit numbers shall be clearly displayed with such numbers being in contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council and the PCA for approval prior to the release of the Occupation Certificate.
82. Prior to the issue of either an Interim or Final Occupation Certificate, minimum 285 off-street car parking bays as defined in AS2890.2 shall be provided to the development as shown on the approved architectural plans. All parking bays and loading bays shall be line marked. The allocation of parking bays shall be in accordance with the following:-
- (a) 285 *parking bays* shall be allocated to residents parking only. The allocation of parking bays shall be based on the following rate:
 - Studio/ 1-bedroom unit 1 space / unit
 - 2-bedroom /3-bedroom 2 spaces / unit
 - (b) *Seventeen (17)* off-street parking bays shall be made available at all times for visitors parking, with minimum five (5) parking bays to also be used as car wash bays.
 - (c) Minimum *seven (7)* parking bays shall be dedicated to disabled parking and shall be constructed in accordance with the relevant Australian Standard; and
 - (d) A minimum three (3) car wash bays shall be provided and shall be connected to water and sewer.
- 83.
- (a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.
 - (b) Condition Nos. 64 to 82 are pre-conditions prior to the issue of the Occupation Certificate.

OPERATIONAL CONDITIONS

84. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council/PCA to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
85. All vehicles (including deliveries) shall enter and exit the premises to the public roads in a forward direction.

86. The landscaped areas on the property shall be installed and maintained in accordance with approved landscaped documents, the conditions of consent, Council's DCP and to Council's satisfaction at all times.
87. An experienced Landscape Contractor shall be engaged to undertake all landscaping work and shall be provided with a copy of both the Council stamped approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- 88.
- (a) All parking areas shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods.
 - (b) Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.
89. The operation of plant equipment shall comply with the City of Botany Bay's General Noise Criteria is as follows:
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (b) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- Note:** 'Offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and the Protection of the Environment Operations (Noise Control) Regulation 2000, (See advisory notes).
90. Internal lighting should be left on at night to communal corridors and emergency exits enable patrolling police, security guards and passing people to monitor activities within the businesses and ground floor common areas.
91. The landscape contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time monthly maintenance is required.; and,
92. New street trees shall be maintained by the Owner/Strata Corporation for 12 months after planting. Maintenance includes watering twice weekly for a minimum period of 4 months (or until established) and after that at a frequency to sustain adequate growth, bi-annual feeding with a suitable fertilizer, weed removal and

replenishment of the mulched base, but does not include trimming or pruning the trees under any circumstances. Any trees that fail to thrive shall be replaced by the owner/strata corporation to Council's satisfaction at their expense.

93. All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The building owner shall be responsible for the following:
- (a) Where waste and recycling containers need to be moved to the street;
 - (b) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the waste storage area;
 - (c) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected;
 - (d) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers; and
 - (e) Providing and maintaining signage and information to uses to encourage recycling.
94. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 12/206 dated 7 November 2012 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.