

**STAGE 1 –SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

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

<b>Drawing No.</b>	<b>Author</b>	<b>Dated Received</b>
Project No. 12-053	Dickson Rothschild	
DA-006 (Rev B)		21 March 2014
DA-007 (Rev B)		21 March 2014
DA-008 (Rev B)		21 March 2014
DA-009 (Rev B)		21 March 2014
DA-010 (Rev B)		21 March 2014
DA-011 (Rev A)		21 March 2014
DA-100 (Rev A)		21 March 2014
DA-101 (Rev B)		21 March 2014
DA-102 (Rev A)		21 March 2014
DA-103 (Rev B)		21 March 2014
DA-200 (Rev A)		21 March 2014
DA-201 (Rev B)		21 March 2014
DA-202 (Rev A)		21 March 2014
DA-203 (Rev A)		21 March 2014
DA-204 (Rev B)		21 March 2014
DA-205 (Rev B)		21 March 2014
DA-206 (Rev B)		21 March 2014
DA-207 (Rev B)		21 March 2014
DA-208 (Rev B)		21 March 2014
DA-209 (Rev B)		21 March 2014
DA-210 (Rev B)		21 March 2014
DA-211 (Rev B)		21 March 2014
DA-212 (Rev B)		21 March 2014
DA-213 (Rev B)		21 March 2014
DA-214 (Rev B)		21 March 2014

<b>Drawing No.</b>	<b>Author</b>	<b>Dated Received</b>
DA-215 (Rev B)		21 March 2014
DA-216 (Rev B)		21 March 2014
DA-217 (Rev B)		21 March 2014
DA-301 (Rev B)		21 March 2014
DA-311 (Rev B)		21 March 2014
DA-312 (Rev B)		21 March 2014
DA-313 (Rev B)		21 March 2014
DA2-401 (Rev B)		21 March 2014
DA-402 (Rev B)		21 March 2014
DA-411 (Rev B)		21 March 2014
DA-412 (Rev B)		21 March 2014
DA-413 (Rev B)		21 March 2014
DA-414 (Rev B)		21 March 2014
DA-701 (Rev A)		21 March 2014
DA-907 (Rev A)		5 September 2013
DA-908 (Rev A)		5 September 2013
DA-1000 (Rev A)		2 May 2014
Landscape Plans	Clouston Associates	11 September 2013
S12-0070 DA3 Issue 06		
S12-0070 DA4 Issue 06		
S12-0070 DA5 Issue 06		
S12-0070 DA6 Issue 06		
S12-0070 DA7 Issue 06		
S12-0070 DA8 Issue 06		
S12-0070 DA9 Issue 06		
S12-0070 DA10 Issue 06		
S12-0070 DA11 Issue 06		
S12-0070 DA12 Issue 06		
S12-0070 DA13 Issue 06		
S12-0070 DA14 Issue 06		
S12-0070 DA15 Issue 06		
S12-0070 DA16 Issue 06		
Survey Plan, Reference No.	Project Surveyors	11 September 2013

<b>Drawing No.</b>	<b>Author</b>	<b>Dated Received</b>
B1188, Sheets 1-4		
Stormwater Concept Plans, Project No. S12123, Drawing Nos.: HDA01 (Rev P3) HDA02 (Rev P3) HDA03 (Rev P3) HDA04 (Rev P3) HDA05 (Rev P3) HDA06 (Rev P3) HDA07 (Rev P3) HDA08 (Rev P3) HDA09 (Rev P3) HDA10 (Rev P3) HDA11 (Rev P3) HDA12 (Rev P3) HDA13 (Rev P3) HDA14 (Rev P3) HDA15 (Rev P3) HDA16 (Rev P3) HDA17 (Rev P3) HDA18 (Rev P3) HDA19 (Rev P3) HDA20 (Rev P3) HDA21 (Rev P3) HDA22 (Rev P3)	Floth Consultants Pty Ltd	11 September 2013
Subdivision Plan, Ref No. B1188-SUB_PROP	Project Surveyors	11 September 2013

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
Statement of Environmental Effects	Dickson Rothschild	11 September 2013
Clause 4.6 Variation to Height	Dickson Rothschild	11 September 2013
Clause 4.6 Variation to FSR	Dickson Rothschild	9 April 2014

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
DRP Compliance Table	Dickson Rothschild	11 September 2013
SEPP 65 Design Verification Statement	Dickson Rothschild	11 September 2013
BASIX Certificate No. 452322M_02	NSW DoPI	11 September 2013
Waste Management Plan – Demolition & Construction	Dickson Rothschild	11 September 2013
Waste Management Plan	Elephants Foot	11 September 2013
Pedestrian Wind Environment Statement, Ref No. WB399-01F02 (Rev1) – WS Report, dated October 2012	Windtech Consultants Pty Ltd	11 September 2013
Detailed Site Investigation, dated October 2012	Peter J Ramsay & Associates	11 September 2013
DA Acoustic Assessment, Project No. 21120916.1, dated Oct 2012	Acoustic Logic Consultancy Pty Ltd	11 September 2013
Access Report, dated 21 August 2013	Accessibility Solutions (NSW) Pty Ltd	11 September 2013
Geotechnical Assessment, Ref No. 26081Zrpt.	JK Geotechnics	11 September 2013
Construction Cost Estimate No. 1, dated October 2013	Heymann Cohen Pty Ltd	5 September 2013

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

- 2 The applicant must prior to the issue of the Construction Certificate, pay the following fees:

- |     |                                   |                 |
|-----|-----------------------------------|-----------------|
| (a) | Builders Security Deposit         | \$50,000.00;    |
| (b) | Development Control               | \$11,011.00;    |
| (c) | Section 94 Contributions          | \$1,829,230.00; |
| (d) | Waste Levy                        | \$5,000.00;     |
| (e) | Subdivision Certificate (Torrens) | \$530.00;       |
| (f) | Linen Handling Fee (Torrens)      | \$495.00.       |

Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

3

- (a) This Consent relates to land in Lot 500 in DP 1030729 and Lot 1 in DP777315 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent; and
- (b) Prior to the issue of the Occupation Certificate, a survey report must be submitted to Council to verify that Condition 3(a) above has been complied with.

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

- (a) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting Gardeners Road in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and
- (b) Provide appropriate and suitable street lighting to a high decorative standard to the Gardeners Road and Kent Road street frontage of the site, so as to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

5 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.

6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

7 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

each relevant BASIX Certificate for the each building in the development are fulfilled.

(a) Note:

Relevant BASIX Certificate means:

- (i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- (ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
- (iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

### **CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

8 The following conditions are imposed by Ausgrid:

- (a) Substations S.61939 and S.61939 are to be decommissioned and removed at the developers expense, or alternatively incorporated into the development. New substations would be required to be established before any existing substations could be removed in order to be able to support existing load networks.
- (b) All existing easements and Rights of Way in favour of Ausgrid are to remain in place until new ones have been established. 24 hour personnel and vehicle access to Ausgrid infrastructure is to be maintained at all times including during construction works. No proposed buildings or trees are to impede on any easement or Right of Way.
- (c) Connections to Ausgrid's network are governed by chapter 5A of the National Electricity Rules. Under these rules, a binding contract may be formed only after a connection application is lodged and Ausgrid has made a connection offer in response to that application. Accordingly, Ausgrid cannot make any binding representation concerning electricity supply to the development. A duly completed connection application should be lodged as soon as possible to allow Ausgrid to respond to the developers and to ensure electricity supply is available when the development is ready to be connected.

9 The following conditions are imposed by the NSW Roads and Maritime Service (RMS).

- (a) Any redundant driveways off Kent Road and Gardeners Road shall be removed and replaced with kerb and gutter.

- (b) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
- (c) The proposed driveway off Gardeners Road shall be designed and constructed to RMS requirements. The details of further requirements of the proposed driveway, kerb and gutter can be obtained from RMS Project Services Manager, Traffic Projects Section, Parramatta (ph:02 8849 2144).

A certified copy of the design plans shall be submitted to RMS for consideration and approval prior to the release of a Construction Certificate for the development.

- (d) The post development stormwater discharge from the subject site into the RMS drainage system should not exceed the pre development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to commencement of any works.

Details should be forwarded to:

The Sydney Asset Management

Roads and Maritime Services

PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirements please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766

- (e) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001);
- (f) The Applicant should be aware of the potential for road traffic noise impact on the development on the subject site. Noise attenuation measures should be provided in accordance with NSW Environmental Protection Authority's (EPA's) Environmental Criteria for Road Traffic Noise;
- (g) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents;
- (h) All vehicles are to enter and exit in a forward direction;
- (i) All works and regulatory signposting associated with the development are to be at no cost to RMS or Council.
- (j) The number of car parking and bicycle spaces should be provided to Council's satisfaction;
- (k) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 1890.1-2004, AS 2890.2 – 2002 for heavy vehicle useage and AS 2890.6:2009 for the disabled;

- (l) The proposed development will generate additional pedestrian and cyclist movements in the area. Provision should be made on the subject site and surrounding lands to create a finer grained network allowing for greater permeability and pedestrian/cyclist linkages between residential areas with the transport nodes;
- (m) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.

10 The following conditions form the General Terms of Approval by the NSW Office of Water and must be complied with:

General and Administrative Issues

- (a) 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;
- (b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (c) Construction methods and material used in and for construction shall not cause pollution of the groundwater;

Prior to Excavation

- (d) 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;
- (e) 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;
- (f) A copy of a valid development consent for the project shall be provided to the NSW Office of Water;
- (g) 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;



- (h) 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;
- (i) 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;

#### During Excavation

- (j) 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;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) 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;
- (o) 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;

#### Following excavation

- (p) 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.

11 The following conditions are imposed by the NSW Police Service:

- (a) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
- (b) The CCTV system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise. Cameras should 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 strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance);
- (c) Any proposed landscaping and vegetation should adhere to the following principles:
  - (i) Shrubs bushes, plants should remain under 900mm in height;
  - (ii) Branches or large trees should start at a height of two (2) metres and higher;  

This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
- (d) 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;
- (e) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.

12 The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:

- (a) The PROPERTY DEVELOPMENT at 671-683 GARDENERS ROAD, MASCOT 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 this Corporation.
- (b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of 49.1 metres above Australian Height Datum (AHD).
- (c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- (d) Should you wish to exceed the above heights, a new application must be submitted. 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.

- (e) 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:
  - (i) 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);
  - (ii) the swing circle of any temporary structure/equipment used during construction;
  - (iii) 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;
  - (iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
- (f) 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.
- (g) The development is to comply with the Civil Aviation Safety Authority (CASA) requirements as outlined in the Council's Development Application Guide for Multi-Unit Residential, Commercial and Industrial.

### **PRIOR TO COMMENCEMENT OF DEMOLITION WORKS**

- 13 Prior to commencement of any works on site, a Subdivision Certificate Application is to be accompanied by linen plans and six (6) copies of such and the required fees.
- 14 Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development:
  - (a) All properties immediately adjoining the site;
  - (b) Gardeners Road and Kent Road; and

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. 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. In addition, the following issues shall also be complied with:

- (c) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- (d) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners;
- (e) It is a condition of consent that should demolition, site clearing and site remediation works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored;

**(Note:** Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.)

15

- (a) There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.
- (b) Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix.

16

Prior to the commencement of demolition work, a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with: AS2601-1991 Demolition of Structures," the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) Induction training for on-site personnel;

- (c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
  - (d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
  - (e) Disconnection of Gas and Electrical Supply;
  - (f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
  - (g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
  - (h) Waterproofing of any exposed surfaces of adjoining buildings;
  - (i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
  - (j) Working hours, in accordance with this Development Consent;
  - (k) Confinement of demolished materials in transit;
  - (l) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”;
  - (m) Sewer – common sewerage system;
  - (n) On site monitoring both during asbestos removal and the remainder of demolition activities.
- 17 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 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.
- 18 Prior to demolition of any building constructed before 1970, the person acting on this consent shall ensure compliance with Australian Standard AS2601-2001, *Demolition of Structures* by a person with suitable expertise and experience. This may involve a

Work Plan that identifies any hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimize any dust nuisance and the disposal methods for hazardous materials, including:

- (a) Removal, cleaning and disposal of lead-based paint shall conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the *AS2601-1991 Demolition of structure*.
- (b) Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g.; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond the site boundaries.
- (c) All contractors and employees directly involved in the removal of hazardous dusts and substances wearing protective equipment conforming to Australian Standard *AS1716 Respiratory Protective Devices* and shall adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC: 102(1994) and NOHSC: 2015(1994).
- (d) All lead-contaminated materials being disposed of in accordance with the Environment Protection Authorities Environmental Guidelines; *Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999)* and *The Protection of the Environment Operations Act 1997 (NSW)*.

19 Prior to commencement of any works, the following approvals and permits on Council's property/road reserve under Roads Act 1993 and Local Government Act 1993 shall be made and obtained from Council's Customer Services Counter:

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
- (b) Permit for roads and footways occupancy (long term/ short term);
- (c) 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;
- (d) Permit to place skip/waste bin on footpath and/or nature strip;
- (e) Permit to use any part of Council's road reserve or other Council lands;
- (f) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;

(It should be noted that 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.)

- (g) 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.

- 20 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition works upon the site in order to prevent sediment and silt from site works being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 21 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
- 22 A sign must be erected in a prominent position on any work site on which work involved in the erection 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.
- 23 A detailed Traffic Management Plan for the pedestrian and traffic management of the site during demolition, excavation and construction shall be prepared and submitted to the relevant road authority (Council or Roads and Traffic Authority) for approval prior to commencement of any works. The plan shall:
  - (a) be prepared by a RTA accredited consultant.

- (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) if required, implement a public information campaign to inform any road changes well in advance of each change.
  - (d) Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
  - (e) During construction, all works and measures shall be implemented in accordance with approved Traffic Management Plan at all times.
- 24 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the 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;
- (a) 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.
    - (ii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 25 A detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval prior to the commencement of any works. The plan shall address:
- (a) Excavation and construction vehicles access to and egress from the site;
  - (b) Parking for demolition and construction vehicles. All construction-related vehicles shall be parked on-site and no parking of these vehicles shall be allowed on Gardeners Road or Kent Road;
  - (c) Locations of site office, accommodation and the storage of major materials related to the project;
  - (d) Protection of adjoining properties, pedestrians, vehicles and public assets;
  - (e) Location and extent of proposed builder's hoarding and Work Zones, if there is any.



- (f) Active measures to control and suppress dust, grit and the like that are associated with construction activity.
- (g) Measures to control the arrival of plant and equipment associated with the construction process and the delivery of such plant and equipment during reasonable hours of the working day;
- (h) Public Notification where working hours are extended for a particular construction activity;
- (i) Provision of on-site car parking for employees, contractors and site personnel during the construction phase of the development; and
- (j) During construction, all works and measures shall be implemented in accordance with approved Construction Management Plan at all times.

26 All works carried out on the public roads 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 associated with the road widening;
- (b) Prior to placement of concrete (kerb and gutter and footpath);
- (c) Prior to construction and placement of road pavement materials; and
- (d) Final inspection.

**Note:** Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

27 During demolition, excavation, remediation and construction, 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;
- (b) Approved Traffic Management Plan and;
- (c) Approved Construction Management Plan.

28 Prior to any excavation works an Acid Sulfate Soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS.

Should any Potential Acid Sulfate Soil (PASS) or Actual Acid Sulfate Soil (AASS) be identified then the an Acid Sulfate Soils Management Plan shall be prepared which shall include any site specific procedures and mitigation measures required and a site analysis from a NATA registered laboratory. All recommendations of the report shall be implemented prior to the commencement of excavation or building works.

29 In order to ensure that the trees proposed to be retained on the *Proposed Tree Retained/Removed Plan by Clouston Assoc Issue 6 dated Aug 2013*, as well as trees numbered # 5, 6A, 22, 56, 57 and 75 which are proposed to be removed by their removal not substantiated are protected during construction, and their health and structural stability ensured, the following is required :

- (a) Engage the Consultant Arborist – Advanced Treescape Consulting for all tree root and canopy work to trees. Comply with recommendations and requirements and management plan contained within the Consulting Arborist’s report dated 30 July 2012;
- (b) Provide additional information with respect to the retention of trees # 5, 6A, 22, 56, 57 and 75 which are within the same alignment as other trees proposed to be retained yet are proposed for removal. Trees # 5 and 6A near the driveway may be able to be retained with some pavement modification;
- (c) Trees to be retained during development are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan;
- (d) Prior to commencing demolition/any works the trees are to be physically protected by fencing underneath the canopy dripline or as indicated in the Arborist’s report using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete;
- (e) The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction;
- (f) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree’s first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails);
- (g) Before any works commence on site, the Applicant is required to contact Council for an inspection of the fenced TPZ’s. Council approval is required prior commencement of any work;
- (h) All detailed Construction Certificate plans shall show trees to be protected and the TPZ;
- (i) All TPZ’s are a “No-Go” zone. There shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council’s Tree Officer or Consultant Arborist;
- (j) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage;
- (k) Excavation within the canopy dripline or within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using

hand tools to minimise root damage or disturbance and in accordance with the Arborists' report;

- (l) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or the consulting Arborist after a site inspection so as not to unduly impact or stress the tree;
- (m) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373;
- (n) Any sub-surface OSD tank is to be located a minimum distance of 3 metres beyond the canopy dripline of any existing tree and not located where it will limit the planting of trees on the property;
- (o) Masonry boundary fencing/walls or retaining walls shall be of piered or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged;
- (p) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning;
- (q) All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination;
- (r) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council or the Consultant Arborist at the completion of construction;
- (s) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

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

- 30 The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans listed below a contribution of **\$1,829,230.00** is required as follows:

The Section 94 Contribution of **\$1,829,230.00** is to be paid to Council prior to the issue of the first Construction Certificate.

- 31 Prior to the issue of the Construction Certificate, the applicant shall contact “Dial Before You Dig on 1100” to obtain a 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 damage to utilities/services will be repaired at the applicant’s expense.
- 32 Prior to the issue of the Construction Certificate, a Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced contaminated land consultant and shall be in accordance with:
- (a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
  - (b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
  - (c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.
    - (i) The RAP shall incorporate all findings and recommendations in the Detailed Site Investigation – 671-683 Gardeners Road, Mascot by Peter J Ramsay & Associates, dated October 2012 for the site, it shall clearly state proposed cleanup objectives, and demonstrate how the site will be made suitable for the proposed residential use.
    - (ii) The RAP shall be submitted to Council for review and concurrence prior to commencement of any remedial action works or any excavation, demolition or other building works undertaken that are not associated with the preparation of the RAP.
- 33 Prior to the issue of a Construction Certificate, the construction drawings shall indicate the following:
- (a) That water will be prevented from penetrating behind fittings/linings and into concealed spaces in laundry, sanitary areas and bathrooms etc;
  - (b) That floor to ceiling in laundry and bathroom areas to be tiled;
  - (c) That timbers used in the development are plantation, recycled or regrowth timbers of timbers grown on Australian farms or State forest plantations and that no old growth or rainforest timbers are to be used in any circumstances; and
  - (d) That plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.
- 34
- (a) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;

- (b) 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 part of the basement;
- (c) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 “Access for People with Disabilities” and Australian Standard AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. This requirement shall be reflected on the Construction Certificate plans;
- (d) The electrical kiosk must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be screened by a built screen enclosure 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 to their installation. Fire booster assemblies are to be housed within the external face of the building structure.

35 Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to 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.

36 Prior to the issue of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development.

37

- (a) Prior to the issue of the Construction Certificate, the measures required in the DA Acoustic Assessment Project No. 21120916.1, prepared by Acoustic Logic Consultancy Pty Ltd and dated Oct 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; and
- (b) Prior to the issue of the Construction Certificate, a compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating any required noise mitigation measures to the approved building, as detailed in the NSW Road Noise Policy 2011 in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion.

- 38 Prior to the issue of the Construction Certificate, a Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements, including appropriate connections, correctly sized amplifications, procurement of trade waste agreements, where necessary, and the payment of developer charges.

Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.

- 39 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:

- (a) The rooms for the storage of garbage and recyclable materials shall be:
  - (i) fully enclosed;
  - (ii) adequately ventilated;
  - (iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
  - (iv) 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.
  - (v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

- 40 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate and its location and specifications endorsed on the construction drawings.

- 41 Prior to the issue of the Construction Certificate, the following documentation shall be submitted to Principal Certifying Authority:

- (a) Longitudinal sections along centreline of all the ramps between each basement parking levels;
- (b) Design certification, prepared by a suitably qualified engineer, showing the longitudinal sections shall be designed in accordance with AS2890.1 (including gradients and gradient transitions).

- (a) Prior to the issue of the Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6; and
- (b) Detailed construction plans in relation to the development shall be revised and submitted to Council for approval. The plan shall be revised to include details of any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in AS 2890.2.

43 Prior to the issue of the Construction Certificate, detailed Stormwater Management Plans and specifications shall be prepared by a suitably qualified and experienced civil engineer and the design shall be generally in accordance with the Stormwater Concept Plans prepared by Floth Pty Ltd, Project No. S12123, Drawing Nos. HDA01 to HDA22 and received by Council on the 11 September 2013.

With the following issues to be complied with and shown on the plans:

- (a) The stormwater drainage system from the roof and balcony of the building to the On-site detention (OSD) system shall be shown on the stormwater management plans. All stormwater runoff from the roof area and balcony shall be directed to the system.
- (b) The layout of the basement parking area and OSD system shown on the stormwater management plans shall correspond with the architectural plan. The location of the discharge control pit shall be revised accordingly.
- (c) The emergency overflow of OSD systems shall be shown on the plans to ensure any overflow from the OSD system will be conveyed to the public streets via surface overland flow.
- (d) Additional access grates shall be provided to each corner of the OSD tank.
- (e) In order to protect the buildings from stormwater inundation, the OSD tank shall be water-tight.
- (f) The outlet pipes of the OSD system and the GPT shall be minimum 300mm diameter.
- (g) Rainwater tanks shall be provided with a minimum 5,000 L capacity and shall service any landscape systems.
- (h) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment prior to entering the public stormwater system.

The detailed drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – *Plumbing and Drainage Code* and the BCA.

44 In order to maximise visibility in the basement car parks, the ceilings shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

- 45 The fire hydrant and booster assembly are required to be housed within an external façade/wall of the building or elsewhere within the building structure and shall be enclosed/screened with doors to Council approval.
- 46 The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.
- 47 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development.
- 48 Prior to the issue of the Construction Certificate, a revised architectural and landscape concept shall be submitted to Council for the treatment of the southern boundary to incorporate a continuous landscape edge to the southern boundary incorporating reconfiguration of the parking spaces to enable this and to ensure the site addresses the new street behind rather than turning its back on it and allows enhanced public access to the site and north-south public open space area from the southern boundary/new street.
- 49 Prior to the issue of the Construction Certificate, a public domain improvements plan shall be submitted for approval by Council for Gardeners Road and New Street. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, amenity area lighting. The Plan shall be in accordance with Council's Draft Mascot Station Precinct Public Domain Manual and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. There is to be no discrepancy between Civil and Landscape public domain drawings.
- 50 Prior to the issue of the Construction Certificate, the concept landscape documentation submitted by *Clouston Associates* shall be the subject of **detailed, amended landscape documentation** to be submitted to and approved by the **City of Botany Bay's Landscape Architect**. The following amendments to the concept plan are to be incorporated in the detailed documentation:
- (a) A planting plan showing all plant locations, groupings and centres. There is to be a dense layered planting treatment of trees, shrubs and groundcovers in all landscaped areas;
  - (b) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking;
  - (c) Incorporate sufficient additional canopy tree planting on the ground floor level surrounding the building particularly in the Gardeners Road setback



(including private ground level terraces) and the central open space area to ameliorate the development;

- (d) Planting and maintenance details for the green wall;
- (e) All planter beds must be no less than 1 metre in width;
- (f) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls;
- (g) Areas of paving, schedule of materials, edge treatments and sectional construction details. All fencing, privacy screening and pergolas – elevations and materials.

51 The development shall make provision for the following car parking allocations:

<b>Car Parking Rates</b>	<b>Required</b>
1 space per studio/1 bedroom unit	46 spaces
2 spaces per 2/3 bedroom unit	92 spaces
1 visitor space per 7 dwellings	13 spaces
Commercial spaces	2
<b>TOTAL REQUIRED</b>	<b>153</b>

This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

## **DURING WORKS**

52 If the work involved in the construction of a building:

- (a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
- (b) involves the enclosure of a public place:
  - (i) a hoarding or fence must be erected between the work site and the public place.
  - (ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
  - (iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.

- (iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.

53

- (a) Any new information that comes to light during demolition, excavation, remediation and or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council;
- (b) 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.

54 The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.

55 Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.

56 During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.

57 The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

58 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.

59

- (a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
- (b) As the development involves an excavation that extends below the level of the base of the footings of a building or road 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.
- (iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.

60 The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:

- (a) Covering excavated areas and stockpiles;
- (b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas;
- (c) Maintenance of equipment and plant to minimise vehicle exhaust emissions;
- (d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources;
- (e) All loads entering or leaving the site are to be covered;
- (f) The use of water sprays to maintain dust suppression; and
- (g) Keeping excavated surfaces moist.

61

- (a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
- (b) Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. 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 enter Council's land;
- (c) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;

- (d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- (e) During construction works the area in front of the premises and for the full width of the site, be maintained at all times and kept clean and tidy.
- (f) The operations of the site shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- (g) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

62 The Development is to be constructed to meet 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:
    - (1) 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 10dB(A).
  - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
    - (1) 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).
- (c) Time Restrictions
  - (i) Monday to Friday ...07:00am to 06:00pm;
  - (ii) Saturday 08:00am to 04:00pm
  - (iii) No Construction to take place on Sundays or Public Holidays.
- (d) Silencing
  - (i) All possible steps should be taken to silence construction site equipment.

63 During demolition, excavation, remediation and construction, 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 construction. The area fronting the site and in the vicinity of the development shall also be 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.

64

- (a) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed residential/recreational land use and not contaminated based upon analyses of the material.
- (b) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) 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.
- (c) Any soil disposed of offsite shall be classified in accordance with the procedures in the Department of Environment and Climate Change Waste Classification Guidelines (2008).

65 If any material containing asbestos is found on site during the demolition process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m<sup>2</sup> of bonded asbestos and/or any friable asbestos.

66 Following the completion of the removal of asbestos from the site, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection by a licensed inspector.

67

- (a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority; and
- (b) The demolisher shall comply with Australian Standard 2601 - 1993 "*Demolition of Structures*".

- 68 Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:
- (a) New South Wales Occupational Health and Safety Act, 2000;
  - (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
  - (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
  - (d) Protection Of the Environment Operations Act 1997 (NSW); and
  - (e) Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 69 The following shall be complied with:
- (a) 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 Environmental Noise Control Manual;
  - (b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
  - (c) Vibration levels induced by the demolition and construction activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
  - (d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A  
OCCUPATION CERTIFICATE**

70

- (a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed in the DA Acoustic Assessment Report No. 20120916.1 prepared by Acoustic Logic Consultancy Pty Ltd dated 17 October 2012, received by Council 11 September 2013; and
- (b) All acoustic work including that acoustic work required at Condition No. 37 shall be completed prior to the issue of the Occupation Certificate and validated by a person with appropriate qualifications and experience.

- 71 Prior to the issue of an Occupation Certificate, linen plans shall be registered with Land & Property Information.
- 72 Prior to the issue of an Occupation Certificate, landscaped areas on the property and in the public domain shall be installed and maintained in accordance with the Council approved amended, detailed landscape documentation, the conditions of consent (inclusive of the landscape amendments required) and Council's DCP at all times. An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved amended landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged 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.
- 73 Prior to the issue of the Occupation Certificate, the following is to be complied with:
- (a) Dedicate for public open space, at no cost to the Council, the land as it occurs between Buildings B and C, from the Gardeners Road boundary to the southern boundary of the site, as identified on Drawing No. DA-1000 (Rev A), dated 2 May 2014.
  - (b) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting Kent Road and Gardeners Road in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate;
  - (c) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements;
  - (d) The public domain shall be upgraded with new paving and street tree planting, to be installed by the Applicant at the Applicant's expense in accordance with the approved landscape documentation. All improvements shall be in accordance with Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate.
  - (e) New street trees shall be installed in the Gardeners Road nature strip in accordance with the approved Public Domain Plan. The trees shall be sourced from a reputable nursery/supplier that grows trees in accordance with the NATSPEC requirements. A Dial-Before-You-Dig enquiry is required prior planting - Council is not liable for any damage to subsurface infrastructure during public domain works. NOTE: Three (3) hold point inspections are required : during construction of tree pits, prior-planting street trees to ensure plant stock is suitable and post-planting to verify final finishes; and

- (f) The public footpaths in Kent Road and Gardeners Road shall be constructed/re-constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:
- (i) at the commencement of paving works, and
  - (ii) at final completion.
- Council approval of public domain works is required prior issue of the Occupation Certificate. NOTE: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks). No paver substitutes will be permitted.
- (g) Concrete wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZS 2890.1:2004 prior to the issue of an Occupation Certificate to prevent overhang and damage to garden beds.

74 Plans submitted with the Construction Certificate shall demonstrate compliance with the following:

- (a) All residential unit size excluding balconies as minimum must be as following:
- (i) Studio = 60m<sup>2</sup>
  - (ii) 1 bedroom = 75m<sup>2</sup>
  - (iii) 2 bedroom = 100m<sup>2</sup>
  - (iv) 3 bedroom = 130m<sup>2</sup>

75

- (a) The 153 car parking spaces shall be made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate;
- (b) Allocation of the car parking shall be as follows:
- (i) Each studio/one (1) bedroom unit shall be allocated 1 car parking space;
  - (ii) Each two (2)/three (3) bedroom unit shall be allocated 2 car spaces;
  - (iii) Thirteen (13) visitors car spaces shall be provided. Such spaces being located nearby the entrance to the development.

76 All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.

77 Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.



Details of street numbering shall be submitted to Council for approval prior to the issue of the Construction Certificate.

- 78 Prior to the issue of the Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the car parking area has been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.
- 79 The following shall be complied with prior to the issue of the Occupation Certificate:
- (a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
  - (b) The crossing shall be able to accommodate the turning movement of Medium Rigid Vehicle (MRV) entering and leaving the site and at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
  - (c) The redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
  - (d) Written confirmation / completion certificate obtained from Council.
  - (e) Inspection report (formwork and/or final) for the works on road reserve obtained from Council's engineer.
  - (f) A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.
  - (g) Driveways and vehicular access paths shall be designed and constructed to comply with the minimum requirements (including changes of grade) of AS/NZS 2890.1.
- 80 Prior to the issue of the 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 drainage, boundary and road reserve levels, have been strictly adhered to as well as the location of the building (when complete) in relation to the boundary limits of the allotment.

81 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

82

- (a) In order to ensure that the required on-site detention, infiltration and rainwater reuse systems 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 on-site detention, infiltration and rainwater reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention, infiltration and rainwater reuse systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
- (b) In order to ensure that the required pump-out system 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 pump-out system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.

83 Prior to the issue of the Occupation Certificate:

- (a) the construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All downpipes shall be located within the property boundaries; and
- (b) documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.

84 Any damage not shown in the dilapidation report required under Condition No. 14 submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the Occupation Certificate.

- 85 The Council nature strips shall be suitably replaced in accordance with Council Specification and the approved landscape documentation at the completion of construction work and at the Applicant's expense.
- 86 Prior to the issue of the Occupation Certificate; the footpath at the commercial tenancy frontages must for reasons of public safety and presence be illuminated between sunset one day and sunrise the day following - 7 days a week and in accordance with the following standard:
- (a) Lighting is to comply with the requirement for pedestrian areas in the current AS/NZS 1158;
  - (b) Lighting must be recessed into the facade;
  - (c) All associated wiring and conduits are to be completely concealed; and
  - (d) Light fittings should be readily accessible to support their regular maintenance.
- 87 Prior to the issue of the Occupation Certificate:
- (a) Lighting (lux) levels for this development must include the installation of low glare/high uniformity lighting levels in line with Australian Standard AS:1158. Lighting sources should 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). The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis. 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 premises;
  - (b) 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; and
  - (c) All lighting shall comply with AS4282-1997 Control of the obtrusive effects.
- 88 Prior to the issue of an Occupation Certificate, a formal copy of the by-laws which shall be in accordance with the plans and documentation approved under this Consent and must also include the following:
- (a) 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. 13/200;
  - (b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 13/200;
  - (c) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner;

- (d) 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 with the Plan of Management required under the conditions of this consent;
- (e) 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;
- (f) 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;
- (g) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the *Environmental Planning and Assessment Regulation 2000*.
- (h) The linen plan must include details of any easements, encroachments, rights of way, including right of footway. restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants;
- (i) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
- (j) 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 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;
- (k) Maintenance of required acoustic measures of Development Consent No. 13/200; and
- (l) CCTV surveillance of all public areas within the development site.

89 To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the release of the Occupation Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of the Occupation Certificate. In

circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

90

- (a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- (b) Condition Numbers 3, 4, 12 and 70 to 90 of this consent are pre-conditions to the issue of the Occupation Certificate.

#### **CONDITIONS WHICH MUST BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- 91 Prior to the issue of Subdivision Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the structures are wholly located within the property boundary.

#### **CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT**

- 92 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 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.
- 93 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required to all site boundary landscape setbacks and frontages the communal/public open space areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- 94 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- (a) Ensure soil depths in accordance with Council's DCP Part 3L. 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;

- (b) 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;
  - (c) 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;
  - (d) 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;
  - (e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- 95 Vehicles making deliveries (including goods, merchandise and the like) and accessing the site shall comply with the following requirements:
- (a) The maximum size of vehicles making deliveries and accessing to the site shall be limited to B99 vehicles (5.2m in length, as denoted by the current version of AS/NZS 2890.1) only.
  - (b) All loading and unloading of vehicles shall be carried out wholly within the site. No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park, service station etc).
  - (c) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 96 The ongoing maintenance of the nature strip shall then be undertaken by the occupier/owner/strata body. Maintenance shall include mowing, watering and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping, or any work to street trees located on the road verge/nature strip at any time the removal of weeds and rubbish and maintaining a good, even coverage of grass at any time.
- 97 The landscape 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 monthly maintenance is required.
- 98 No roller shutters are to be installed to any of the commercial shopfronts that front Gardeners Road.

- 99 The hours of operation of any future commercial use must be restricted to the hours of 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm Sunday and public holidays.
- 100 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (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).
  - (b) 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.
  - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
  - (d) 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.
- 101 Any air conditioning units shall comply with the following requirements:
- (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
  - (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
    - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
    - (ii) Before 7 am or after 10 pm on any other day.
  - (c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors.
  - (d) Any air-conditioning unit shall comply with the City of Botany Bay’s General Noise Criteria detailed in Condition 105 below.

102

- (a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
- (b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and
- (c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police in Condition 11, shall be monitored by CCTV cameras at all times.

103 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for 12 months after planting (ie. final hold-point inspection). Maintenance includes watering twice weekly to enable good establishment and sustain adequate growth. There shall be two (2) fertilizer applications using a suitable product for natives applied at manufacturer's recommendations, ongoing weed removal, mulch replenishment (minimum of 2) maintaining a 1 metre wide mulch ring at all times and removal of grass/weeds within the mulch ring. Maintenance does not include trimming or pruning the trees under any circumstances. Formative pruning will be undertaken by Council.

104 The electrical kiosk must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be screened by a built screen enclosure 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 to their installation. Fire booster assemblies are to be housed within the external face of the building structure.

105 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction at all times. The automatic drip irrigation system shall be maintained in working order at all times.

106 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. 13/172 dated as 11 September 2013 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

## **END OF STAGE 1 CONDITIONS**