NOTICE OF DETERMINATION

Section 80(3) of the Environmental Planning and Assessment Act, 1979

DEFERRED COMMENCEMENT CONDITIONS

On submission of amended plans are to be provided for the approval of Council showing the following, the consent will become operational

1. Reduction in height of Building A and Building B along Pemberton Street from 4 storeys to 3 storeys. This will result in a built form that complies with the 10 metre height within the B4 zone (with the exception that the flood level may partially increase the height).
2. As a result of the reduction in height of Building A and Building B within the B4 zone, there will be a reduction in FSR within the B4 zone which will improve compliance with the FSR standard or result in full compliance with the FSR standard.
3. Reduction in height of Building B at the north-east and Building D north-west from 6 storey to 5 storeys.
4. The building lengths of Building B (east) and Building D (west), facing the north-south link shall be separated above level 1 so that there is a maximum building length of 55 metres in the north-south direction and a separation of not less than 12 metres is to be provided.
5. The top floor and roof of Building B (east) and Building D (west), facing the north-south link shall be setback from the frontage by not less than 5 metres.
6. The 3rd storey of Building D and Building E along Wilson Street to be in the form of an attic, and not a full storey.
7. All ground floor tenancies of Building B that face Pemberton Street are to be commercial use/non-residential use.
8. The deep soil park is to be constructed and delivered as public open space within the first/early stage of construction.
9. All architectural plans are to be amended to reflect the Flood Planning Levels (FPL) and the Finished Floor Levels (FFL) outlined in the Masterplan Stormwater Management Report prepared by Mott MacDonald.

The applicant is to submit amended plans in accordance with the above conditions within 12 months of the determination of this application.

SCHEDULE OF CONDITIONS

CONDITIONS OF STAGE 1 DA

On the consent becoming operational, the following conditions will apply:

GENERAL CONDITIONS

1 The development is to be 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.

Drawing No.	**Author**	**Dated**
Architectural Plans	Turner	
DA_01 P2		25 September 2014
DA_13 P5		23 September 2014
DA_21 P11		23 September 2014
DA_22 P5		23 September 2014
DA_23 P4		23 September 2014
Architectural Plans	Group GSA	
DA-02 0		25 September 2014
DA-11 0		25 September 2014
DA-12 0		25 September 2014
DA-14 0		25 September 2014
DA-15 0		25 September 2014
DA-31 0		25 September 2014
DA-32 0		25 September 2014
DA-33 0		25 September 2014
DA-34 0		25 September 2014
DA-35 0		25 September 2014
DA-36 0		25 September 2014
DA-37 0		25 September 2014
DA-38 0		25 September 2014
DA-39 0		25 September 2014
DA-39B		25 September 2014
DA-40 0		25 September 2014
DA-41 0		25 September 2014
DA-42 0		25 September 2014
DA-43 0		25 September 2014
DA-44 0		25 September 2014

Reference Document(s)	**Author**	**Dated**
Statement of Environmental	Helen Mulcahy Urban	September 2014

Reference Document(s)	Author	Dated
Effects	Planning	
SEPP 65 Design Verification Statement	Turner	25 September 2014
Masterplan Stormwater Management Report	MottMacDonald	November 2014
Traffic Impact Assessment	Traffix	26 Septmebr 2013
Phase 1 and 2 Envrionmental Site Investigation	WSP	22 March 2013
Aborictulrual Report – Development Impact Assessment Report	Earthscape Horticultural Services	April 2013
Pedestrian Wind Environment Statement	Windtech	2 October 2013

2 This Stage 1 approval does not grant consent for any demolition, remediation, excavation or building works. This Stage 1 consent is limited to approval for the massing, modulation, overall siting and setbacks, height of buildings, floor space ratio, parking and public domain provisions.

3 Section 94 Contributions are required to be paid in accordance with the Council's Section 94 Contributions Plan current at the time of lodgement of future applications,. The necessary contribution will be calculated and determined in accordance with this plan during the determination of each subsequent Development Application that comprises the approved Masterplan.

4 This Consent relates to land in Lot 51 in DP 15704, Lot 100 in DP 867427 and Lot 101 in DP 867427, as such, building works must not encroach on to adjoining lands or other public places apart from any approvals granted for the road widening to Pemberton Street which is to be submitted as a separate civil road works application.

5

(a) A separate development application shall be submitted to Council for demolition of any structures, civil works to the public domain, remediation of the site and built development;

(b) All Development Applications relating to construction shall be subject to a further design review process by Council's independent Design Review Panel. The applicant shall meet all costs involved in Design Review.

6

(a) The applicant must, at no cost or expense to Council.

(i) dedicate a 4 metres wide strip of land for road widening purposes adjoining and for the full length of the site frontage to Pemberton Street. Detail layout shall be in accordance with Wilson/ Pemberton Street Precinct Part 9 of the Botany Bay Development Control Plan 2013;

(ii) dedicate the public park of a minimum 3000sqm to the City of Botany Bay Council. Detailed landscaping plan is to be provided to Council for approval. The public park is to be remediated, dedicated and registered, as part of the first Development Application for any building that has a frontage to it. The public park is to be embellished prior to any Occupation Certification for any building that has a frontage to it.

(iii) Provide a Right of Way for public access via the east-west and north-south through site links.

(iv) upgrade the public domain and Council footpath area with new paving installed by the applicant and at the applicant's expense. All improvements shall be in accordance with Council's Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate; and

(v) provide suitable street lighting to a high decorative standard to the street boundaries of the site so to provide safety and illumination for residents of the development, with such street lighting meeting the relevant electricity authority requirements;

(vi)

(1) existing above ground electricity and telecommunication cables in Pemberton Street adjoining the site to be located below ground, at the applicant's expense, by underground cables, together with the provision of appropriate street light standards, drainage (if any), kerb and gutter, footway, bicycle paths, landscaping, traffic signs, to the relevant Australian Standards and Codes of Practice; and,

(2) Land dedication, road construction, kerb and gutter, drainage, street trees and associated works to be completed prior to the issue of the Occupation Certificate for the development.

(b) In accordance with section the *Botany Bay Development Control Plan 2013* the Stage 1 approval shall comply with the following:

(i) All road construction and widening shall be carried out in accordance with the AUS-SPEC's standards (contact Council's Engineering Services if further information required);

(ii) All footpaths are to be provided with kerb ramps at intersections, to facilitate access for the less mobile and disabled;

(iii) All street furniture including, bins, bollards, seating and drinking fountains, are to be coordinated throughout the Precinct and to Council's City identity specification;

(iv) Street furniture should be located in a one-metre zone along the kerb line, that is, out of the main line of pedestrian traffic;

(v) Street name signs as per Council's Graphics Standard Manual are to be located at all street intersections;

(vi) Detailed plans for the traffic control signage and line markings should be submitted to Council for approval. All traffic signage and line marking must conform to the Australian Road Rule 1999 and the NSW Road Transport (Safety and Traffic Management) Regulation 1999;

(vii) Street lighting is to be coordinated and standardised throughout the precinct, with appropriate pedestrian lighting provided on the pedestrian and cycle routes (contact Council's Engineering Services if further information is required);

(viii) Street lighting should be evenly spaced and meet the relevant requirements of AS/NZS1158 – Public Lighting Code; and

(ix) All existing and new aboveground power lines and cables are required to be located below ground.

(c) The footpath on the eastern side of Pemberton Street shall be constructed of brushed concrete infill with double header and banding every 6 metres URBANSTONE 'Gunmetal '206h' (300m x 200mm) or equivalent – is to be laid in 45° herringbone pattern.

7 All interfaces between public roads (Pemberton Street) shall be designed as industrial vehicular crossing in accordance with Council Specifications.

8 The following shall be complied with:

(a) The maximum floor space ratio shall not exceed 1:1 within the B4 Mixed Use Zone, and 1.58:1 within the R3 Medium Density Residential zone. (This condition may be amended by the Deferred Commencement Conditions)

(b) The approved building heights is defined generally as follows:

(i) Building A and B (west) along Pemberton Street (within the B4 zone) shall be no greater than 3 storeys.

(ii) Building B (south wing) shall be no greater than 7 storeys and part 4 storeys.

(iii) Building B (east wing) shall be no greater than 8 storeys.

(iv) Building B (north east wing) shall be reduced from 6 storeys to be no greater than 5 storeys.

(v) Building D (south/west wing) shall be no greater than 7 storeys.

(vi) Building D (north-west wing) shall be reduced from 6 storeys to be no greater than 5 storeys.

(vii) Building D2 (east wing) along Wilson Street to be a maximum 2 storeys plus third storey in the form of an attic.

(viii) Building E3, along Wilson Street to be a maximum 2 storeys plus third storey in the form of an attic.

(ix) Building E1 and E3 shall be no greater than 3 storeys.

(c) The minimum dwelling sizes for the proposed development must comply with the following provisions calculating inside the enclosing wall of the dwelling but excluding wall thickness, vent, ducts, staircases and lift wells:

(i) Studio – 60m^2;

(ii) 1 Bedroom – 75m^2;

(*Combined total number of studio and one-bedroom apartment shall not exceed 25 % or total number of apartments.)*

(iii) 2 Bedroom – 100m^2;

(iv) 3 Bedroom – 130m^2;

(v) 4 Bedroom – 160m^2; and

(d) The development must comply with the following minimum number of adaptable housing and shall be designed and constructed to comply with Adaptable Housing Class A:

(i) 0 – 9 units – Nil;

(ii)

(iii) 0-30 units – 1 adaptable housing;

(iv) 31-50 units – 2 adaptable housing;

(v) 51 plus – 2 units, plus an additional 1 unit for each 30 units;

(e) The number of apartments must not exceed 449 or the number of apartments as can be contained in compliance with sub conditions (a), (b) & (c) thereof, whichever is the lesser.

9 A Subdivision Certificate must be obtained pursuant to the provisions of Section 109 C(1)(d) of the Environmental Planning and Assessment Act 1979 and submitted to Council.

10 General design issues arising from the Masterplan Development Application that affect the exterior of the building that need to be addressed in detail in the Development Applications include:

(a) precise design details of the facades including details of the finishing materials to be used to achieve a harmonious relationship in terms of materials, fenestration, proportions of elements and patterning of the façade. This includes a detailed materials schedule and sample board that clearly identifies all external finishes and colours and glazing;

(b) demonstrate each residential apartment to be separated by a masonry wall construction to ensure each apartment achieves satisfactory levels of security,

privacy, amenity and durability and further complements the BCA in respect to FRL and sound transmission. The use of light weight walls in these circumstances are prohibited;

(c) all roof-top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plant rooms, parapets and screening devices; and

(d) access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.

(e) All ground floor apartments are to have individual entrys on all frontages, to provide activation at the street level.

(f) The design of future Stage 2 applications should incorporate full environmentally sustainable principles including: capture and re-use of storm water, natural cross ventilation, natural sun light, solar hot water and passive solar control

(g) Stage 2 applications should include green roofs to improve the aesthetic and provide for interesting roof forms, improve insulation/natural heating, assist in stormwater detention and improve energy efficiency.

11

(a) The applicant is to engage the services of a qualified Geotechnical Engineer and Commission this person to model the consequences of the basement construction of this development will have on groundwater flow, floodings of the locality, building stability including buildings nearby to the development site and groundwater levels.

If this modeling and investigation of the appointed Geotechnical Engineer give rise to adverse consequences to any or all the nominated issues, the onus is upon the applicant to respond to and address the consequences in a manner that negates adverse impact on the neighbourhood;

(b) Prior to the submission of any development application, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Part 3A permit under the Rivers and Foreshores Improvement Act 1948 has been issued by the Department of Water and Energy.

12

(a) An Acid Sulfate Soil Management Plan including an assessment of the likely effects of building in acid sulfate soils and how these will be mitigated shall be submitted to Council with the development application for construction at each stage.

In addition, monitoring plans detailing the timing and methods of acid sulfate soil monitoring during excavation (including, but not limited to monitoring of pH of soil and water) and trigger or action values shall be submitted to Council with each DA.

(b) The management of potential and actual acid sulfate soils shall be conducted in accordance with the approved *Acid Sulfate Soil Management Plan, 42-44*

Pemberton St, Botany NSW, prepared by Consulting Earth Scientists (Report ID: CES041103-CLA-ASSMP-F.doc);

(c) Upon completion of the management of acid sulfate soils and potential acid sulfate soils, a validation report shall be submitted to Council detailing the volume of potential acid sulfate soils encountered, management strategies used, results of testing indicating the presence of potential acid sulfate soils and testing results indicating that neutralisation of potential acid sulfate soils was achieved.

(d) The validation report is required to be lodged with Council prior to issue of Occupation Certificate for each stage.

13 As part of a Stage 2 Development Application, an amended Environmental Site Assessment (Stage 2 - Detailed Site Investigation) is to be submitted to determine that the land can be made suitable for the proposed residential and public park use. This shall assess the site suitability for the more sensitive exposure setting of (NEPM 1999) HIL-E Parks, recreational open space and playing fields for the public park that is to be dedicated to council.

This shall be completed by a suitably qualified and experienced environmental consultant 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.

This shall state that the land can be made suitable for the proposed development and be provided to council prior to granting any consent involving a public park.

14 Upon lodgement of each separate stage of this development a Remedial Action Plan (RAP) shall be submitted demonstrating that the site is suitable for the most sensitive use being either residential with minimum access to soil or public park.

Any Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified 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) guidelines under the Contaminated Land Management Act 1997; and
c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The RAP shall incorporate any findings in any Phase 1 Preliminary - Preliminary or Phase 2

Detailed Site Investigations for the site, it shall clearly state proposed cleanup objectives, and demonstrate how the site will be made suitable for the proposed use.

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.

15 All building shall be constructed in accordance with AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction, the details of which must be prepared by a practicing professional acoustical consultant. A report must be prepared and submitted with each development application and the building plans endorsed with the required acoustical measures.

16 Any new electrical substation is to be positioned out of the street setback and into an unobtrusive location and screened with timber screens and/or walling and landscaping. Fire hydrants shall be screened from view. The location and treatment of these utilities shall be shown on the detailed landscape plan.

17 Prior to the issue of the relevant Construction Certificate, the landscape areas shown on the Concept landscape plan, Stage 1, by Tract Landscape Architects, 0214-0625-LD-DA-01 dated 22.09.2014, shall be the subject of detailed landscape construction documentation (plans, details and specifications) to be submitted to and approved by Council with each subsequent development application. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, and in accordance with Council's Landscape DCP. The detailed (construction level) plan shall include, but not be limited to:

(a) The clear delineation of all public domain areas as follows :

(i) Public park of 3,000sqm on Wilson Street

(ii) The through site north-south link

(iii) The through site east-west link

(b) A site plan showing building envelopes, outline of the basement carpark, areas to be paved and areas to be landscaped.

(c) A planting plan at 1:100 scale showing all plant locations, groupings and centres. There is to be dense 3-tier planting of trees, shrubs and groundcovers in all landscaped areas

(d) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking.

(e) Specifications for soil and mulch finishes, root barriers, retaining wall construction and finishes, irrigation, edging and so on.

(f) For areas of paving provide a schedule of finishes – materials, edge treatments and sectional construction details. Permeable paving materials to be sued and/or pavements graded to garden beds

(g) Proposed fencing details, pergolas and the like – elevations, materials, finished and scaled dimensions.

(h) Water feature construction details, scaled dimensions, finishes and elevations.

(i) Sectional details for planter boxes over basement carpark- drainage, waterproofing, irrigation, planting substrate and so on. Planter boxes shall be of adequate dimensions (area and depth – min. 900mm) for growing medium – large trees.

(j) Details of other landscape elements such as seating and furniture, pedestrian lighting, sculpture and water features. Provide sectional construction details and elevations where required.

(k) Show the location of underground stormwater/rainwater tanks, electrical kiosks and fire booster valves. Rainwater tanks not to be visible from streets or if underground, not to be located under landscape areas. Fire booster valves and electrical kiosks to be incorporated into the building structure.

(l) In communal open spaces provide lawn as well as planted areas, trees for shade and adequate seating.

(m) Trees to be used extensively – in private courtyards, communal open spaces and setbacks. Trees must be of an appropriate scale to complement and scale with the buildings. Deep soil zones must include taller trees. Trees to be predominately native, evergreen species using selected deciduous (in limited locations) or open canopy evergreens for solar penetration.

(n) A play area of adequate fitout and dimensions suited to the projected residential community, fitness area and BBQ area of adequate dimension and suitable location to promote usability and functionality and sited for good access and surveillance.

(o) Medium canopy trees are required in all setbacks for boundary screening and streetscape amenity.

(p) A 3 metre clear landscape setback to Wilson Street that will permit tree planting and is unimpeded by private patios or terraced landscaping. The setback is to be on one leve and level with the street footpath.

(q) Buffer planting is required on the southern edge of Level 1 podium.

18 A separate Development Application shall be submitted for public domain improvements including the pubic park, for approval by City of Botany Bay Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting on all road frontages (internal and external) in accordance with Council's Street Tree Masterplan, footpath paving to the dimensions and materials specified by Council, street tree pit treatments and tree guards where required and specified by Council, street furniture, in-ground landscaping, irrigation, public domain lighting and public park embellishment (soft and hard landscaping and furniture). The Plan shall be in accordance with Council specification or requirement. Civil drawings shall be included, detailing levels and footpath construction sections.

19 The following trees are required to be retained and adequately protected through the siting of basements and buildings and are to be included on all architectural, civil and landscape plans associated with any development application. Trees # 88, 93, 100,

104 and 106 - located in the adjoining properties to the north and close to property boundaries, #46A – Liquidamber, Wilson Street setback, #55 – Eucalyptus on site.

20 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, a BASIX Certificate is to be accompanied with all development applications submitted under this Masterplan.

21 The proposed traffic movements and parking arrangements within and adjoining the development shall conform with the current versions of Council's off-street parking DCP; Australian Standard AS2890-1, Australian Road Rules; and the NSW Road Transport (Safety and Traffic Management) Regulation (and any other relevant legislation) unless otherwise stipulated by another condition of this Consent.

22 All services (Utility, Council, etc) within the Pemberton Road widening reserve (including footpath) shall be relocated/ adjusted to match the proposed/existing levels alignment, at the applicant's full costs.

23 Prior to lodgment of any Development Application for construction works, the stormwater drainage system of the development shall be designed and constructed in accordance with Council's Stormwater Management Technical Guidelines, Australian Rainfall and Runoff, Australian Standards and with the following consideration: -

a. The proposed stormwater drainage system shall incorporate the findings from the flood study of the site.

b. All underground drainage structures (including underground OSD systems and Gross Pollutant Devices) shall be located outside the 1 in 100 year ARI flood and shall be wholly within the site boundary lines.

c. The OSD shall be designed to detain the stormwater runoff generated by the development for all storm durations up to and including the 1 in 100 year for all durations from 6 minutes to 72 hour storm inclusive on site. The permissible site discharge from the site shall be designed to restrict the discharge to 1 in 5 year event peak flow under the state of nature condition of the site. Maximum discharge permitted to Council's kerb and gutter is 10L/s, higher rates of discharge are only permitted by directly connecting to Council's Pit and Pipe System. However at the point of connection to the public system, the capacity of the downstream public drainage system to accept these flows must also be assessed and if determined to be deficient, the system must be amplified and/or the OSD system must be further amplified to ensure the capacity of the downstream system is not exceeded.

d. The assessment must also considered the loss of flood storage due to the proposal and introduce appropriate measures to negate this loss. No OSD and/or flood storage areas are to be located under buildings, they area to be located in an open public accessible area and especially OSD must not be impacted by overland flow path and/or downstream back water flow that will render its design ineffective.

e. Computer modelling (e.g. DRAINS model) of the OSD systems shall be prepared by a suitably qualified and experienced civil engineer with NPER 3 accreditation and submitted to Council for approval. This includes arrangement of OSD systems, downstream invert levels, diameter and materials of the pipes and the total catchment of each OSD system.

f. Submerged outlet conditions shall be considered in designing the details of all OSD systems. The downstream top water level shall either be the downstream 1 in 100 year water level or be assumed at the top of kerb.

g. Discharge of water to public system must not be contaminated and meet the water quality targets as specified in Botany Council's DCP and Stormwater Management Technical Guidelines (SMTG).

h. Water Sensitive Urban Design (WSUD) must be incorporate into the development in accordance with S 16 of SMTG

i. The design of the development must be in accordance with relevant sections of the NSW Flood Plain Development Manual and Council's SMTG.

j. All underground systems shall be sealed systems. Seepage holes shall be removed from the sumps to ensure there is no intrusion of groundwater into the tank. Subsoil drainage lines shall not be provided below the groundwater table.

k. All of the design drainage modelling and the design plans shall be provided to Council in electronic format.

l. The establishment of 500mm and 300mm freeboard above the 1 in 100 year flood level for the finished floor levels of all the buildings and the top of entry ramps from the street to the underground carpark respectively.

m. Flood storage of the site will be maintained before and after the development. This may include establishment of compensatory flood storage within the site. There is no significant impact by the development to the existing drainage regime. Any safety issues associated with flooding shall be addressed in accordance with NSW Floodplain Development Manual.

n. Evacuation plan in the PMF event shall be provided.

24 Prior to lodgment of any Development Application for construction works, a detailed construction design and plans for proposed Stormwater line to convey the upstream Kurnell Street catchment along Wilson Street shall be submitted to Council for approval. The pipe system must be designed to be capable of accommodating the 20 year flow for a fully developed upstream catchment.

An easement shall be created over the linear park where the overland path runoff is provided from Kurnell Street catchment travelling toward the south in favour of the Council. The details of overland flow path shall be provided including in the report to

ensure the easement has adequate capacity to convey the flood waters from upstream catchment to downstream catchment without any adverse effected to the site and adjoining properties.

The plans shall show: -

a. Detailed survey plans

b. The exact location and depth of services must be obtained prior to finalising the construction plans for the proposed stormwater diversion route to ensure there are no conflicts with utilities services.

c. Detailed engineering design and drawings of the proposed stormwater diversion route shall be submitted to Council for assessment. The design details of the proposed stormwater diversion route shall be generally in accordance with Council's standards and comply with AS3500.3.

d. Plan view showing the extent of the construction of the street stormwater drainage system

e. Longitudinal sections of the drainage pipeline showing: -

- pipe chainages
- pipe flows and capacities
- pipe size, type and class
- pipe grade (%), minimum 1% grade
- pit numbers
- pit and lintel size
- design surface levels
- design invert levels
- road chainages
- hydraulic grade line for the pipeline
- Locations and depth of services

25 Prior to lodgment of any Development Application for construction works:

a. Any basement pump out system proposed on site shall be designed by a suitably qualified and experienced civil engineer and in accordance with AS3500 and the following: -

b. The pump-out tank system shall be 'tanked' or waterproofed as per Council's "Guidelines for the Design of Stormwater Drainage Systems with the City of Botany Bay" to ensure there is no intrusion of groundwater into the tank.

c. The volume of the pump-out storage tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from the area (e.g. driveway ramps) draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

d. The pump-out drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.

e. Information of the selected pumps (eg brand, model numbers, performance curve and specifications) shall be shown on the plans to ensure the pump has adequate capacity. Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.

f. An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.

26 Car parking areas shall be located and designed to:

(a) be convenient and safe to serve users, including pedestrians, cyclists and vehicles;

(b) enable the efficient use of car spaces and access ways, including adequate manoeuvrability for vehicles between the site and the street;

(c) fit in with the adjoining street network hierarchy and Botany South Transport Study and Action Plan; and

(d) not dominate or detract from the appearance of the development and the local streetscape.

27 Provision is to be made for on-site parking and storage of bicycles.

28 The arrangement of parking spaces and driveways shall allow vehicles to enter and leave the site in a forward direction.

29 A ‘running tally’ of car parking as each subsequent development application is required to be submitted to Council that demonstrates compliance with Council’s Off-Street Parking DCP.

30

(a) For the residential portion of the development, the number of on-site car parking spaces to be provided is to comply with the following provisions:

(i) 1 bedroom and studio apartments – 1 space;

(ii) 2 bedroom dwellings/units – 2 spaces;

(iii) 3+ bedroom dwellings/units – 2 spaces; and

(iv) visitor car parking spaces shall be provided at 1 space per 10 dwellings in developments of 20 or more dwellings.

(v) Car wash bay – 1 space per 10 dwellings;

31 Each staged development application shall demonstrate compliance with the objectives, guidelines and controls of the relevant parts of Part 3 of the Botany Bay Development Control Plan 2013.

32 Each staged development application shall demonstrate compliance with the objectives, guidelines and controls of the relevant parts of Part 4 of the Botany Bay Development Control Plan 2013.

33 Each staged development application shall demonstrate compliance with the objectives, guidelines and controls of the Part 9C Wilson Pemberton Street Precinct of the Botany Bay Development Control Plan 2013.

34 The operations of the premises 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.

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

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

36 The following condition is imposed by Ausgrid and is to be complied with:

a. Ausgrid has two existing substations within the site. If these substations are to be removed, it will be necessary to establish new substations onsite before decommissioining.

b. New substations will be required to supply the proposed development.

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

General

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 unforseen 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.

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

Sydney Airports Corporation Limited (SACL) has raised no objection to the height of the development up to a level of 34 metres above Australian Height Datum (AHD). The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, and construction cranes etc. Should the development exceed 34 metres above AHD, a further application shall be submitted to Sydney Airports Corporation for approval.

(i) Should the height of any temporary structure and/or equipment 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. Please note that construction cranes may be required to operate at a height significantly higher than that of the proposed development. A further application shall be submitted to Sydney Airports Corporation Limited for the erection of such temporary structures/construction equipment at the site. Any application for approval should be submitted to the Corporation at least 35 days prior to the commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293.

(ii) Operation of construction equipment (i.e. cranes) should be obtained prior to any commitment to construct and the following information is required by SACL prior to any approval:

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

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

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

39 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. 13/208 dated as 11 October 2013 and that any alteration, variation, or extension to the use, for which approval has been given would require further approval from Council.