

NOTICE OF DETERMINATION

Section 80(1) of the Environmental Planning and Assessment Act, 1979

Premises: 52-54 Pemberton Street Botany

DA No: 13/208

SCHEDULE OF CONDITIONS

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
DA-2000_0, B1 Basement Plan Overall, Issue G	Group GSA	1 April 2015
DA-2000_1, B1 Basement Plan – NV Quadrant, Issue G	Group GSA	1 April 2015
DA-2000_2, B1 Basement Plan – NE Quadrant, Issue G	Group GSA	1 April 2015
DA-2000_3, B1 Basement Plan – SE Quadrant, Issue G	Group GSA	1 April 2015
DA-2000_4, B1 Basement Plan – SW Quadrant, Issue G	Group GSA	1 April 2015
DA-2001, Ground floor plan – overall, Issue E	Group GSA	1 April 2015
DA-2001_A, Ground floor plan – Building A, Issue E	Group GSA	1 April 2015
DA-2001_B, Ground floor plan – Building B, Issue E	Group GSA	1 April 2015
DA-2001_D, Ground floor plan – Building D, Issue E	Group GSA	1 April 2015
DA-2001_E, Ground floor plan – Building E, Issue E	Group GSA	1 April 2015
DA-2002, Level 01 plan – overall, Issue E	Group GSA	1 April 2015

Drawing No.	Author	Dated
DA-2002_A, Level 01 plan – Building A, Issue E	Group GSA	1 April 2015
DA-2002_B, Level 01 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2002_D, Level 01 plan – Building D, Issue E	Group GSA	1 April 2015
DA-2002_E, Level 01 plan – Building E, Issue E	Group GSA	1 April 2015
DA-2003, Level 02 plan – overall, Issue E	Group GSA	1 April 2015
DA-2003_A, Level 02 plan – Building A, Issue E	Group GSA	1 April 2015
DA-2003_B, Level 02 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2003_D, Level 02 plan – Building D, Issue E	Group GSA	1 April 2015
DA-2003_E, Level 02 plan – Building E, Issue E	Group GSA	1 April 2015
DA-2004, Level 03 plan – Overall, Issue E	Group GSA	1 April 2015
DA-2004_B, Level 03 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2004_D, Level 03 plan – Building D, Issue E	Group GSA	1 April 2015
DA-2004_E, Level 03 plan – Building E, Issue E	Group GSA	1 April 2015
DA-2005, Level 04 plan – overall, Issue D	Group GSA	1 April 2015
DA-2005_B, Level 04 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2005_D, Level 04 plan – Building D, Issue E	Group GSA	1 April 2015

Drawing No.	Author	Dated
DA-2005_E, Level 04 plan – Building E, Issue E	Group GSA	1 April 2015
DA-2006, Level 05 plan – overall, Issue D	Group GSA	1 April 2015
DA-2006_B, Level 05 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2006_D, Level 05 plan – Building D, Issue E	Group GSA	1 April 2015
DA-2007, Level 06 plan – overall plan, Issue D	Group GSA	1 April 2015
DA-2007_B, Level 06 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2007_D, Level 06 plan – Building D, Issue E	Group GSA	1 April 2015
DA-2008, Level 07 plan – overall plan, Issue D	Group GSA	1 April 2015
DA-2008_B, Level 07 plan – Building B, Issue E	Group GSA	1 April 2015
DA-2009, Roof plan – overall, Issue E	Group GSA	1 April 2015
DA-2009_A, Roof plan – Building A, Issue E	Group GSA	1 April 2015
DA-2009_B, Roof plan – Building B, Issue E	Group GSA	1 April 2015
DA-2009_D, Roof plan – Building D, Issue E	Group GSA	1 April 2015
DA-2009_E, Roof plan – Building E, Issue E	Group GSA	1 April 2015
DA-3000, Street elevations, Issue E	Group GSA	1 April 2015
DA-3000_A, Street elevations – Sheet 2, Issue B	Group GSA	1 April 2015

Drawing No.	Author	Dated
DA-3001, Elevations Sheet 1, Issue D	Group GSA	1 April 2015
DA-3002, Elevations Sheet 2, Issue D	Group GSA	1 April 2015
DA-3003, Elevations Sheet 3, Issue D	Group GSA	1 April 2015
DA-3004, Elevations Sheet 4, Issue D	Group GSA	1 April 2015
DA-3005, Elevations Sheet 5, Issue D	Group GSA	1 April 2015
DA-3100, Site Sections, Issue D	Group GSA	1 April 2015
DA-3101, Sections Sheet 1, Issue D	Group GSA	1 April 2015
DA-3102, Sections Sheet 2, Issue D	Group GSA	1 April 2015
DA-8200, External colours & Finishes Schedule, Issue B	Group GSA	1 April 2015

Reference Document(s)	Author	Dated
Statement of Environmental Effects	JBA Urban Planning	April 2015
Design Report / SEPP 65 Design Verification Statement	Group GSA	1 April 2015
Remediation Action Plan	DLA	November 2014
Subdivision Drawings	Dunlop Thorp Co	26 March 2015
Waste Management Plan	GHD	March 2015
BASIX Report	Efficient Living	19 March 2015
Geotechnical Report	Douglas Partners	March 2015
Stormwater Management & Flooding Analysis Report	Mott McDonald	March 2015
Landscape Drawings and Statement	Tract	1 April 2015
Transport Assessment	Ason Group	1 April 2015
Housing Diversity Assessment	JBA Urban Planning	March 2015

Reference Document(s)	Author	Dated
Acoustic Report	Acoustic Logic	25 March 2015
Access Report	Brentnall Technical Solutions	1 April 2015
Wind Report	Windtech	31 March 2015

- 2 This Consent relates to land in Lot 1-5 DP 979152, 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.

2A Design Changes

[It is noted that (a) to (d) are of an order that should be at a minimum deferred commencement type requirements, to be satisfied prior to an operational consent]

- (a) The buildings heights are to be amended so that all buildings within the B4 zone comply with the 10 metre height control and all buildings within the R3 zone comply with the 22 metre height control. The building heights are to be amended as follows:
- (i) Building A1, A2 and B1 (west) and the portion of Building B3 along Pemberton Street (within the B4 zone) shall be no greater than 3 storeys.
 - (ii) Building B3 (south wing) shall be no greater than 6 storeys and part 5 storeys.
 - (iii) Building B (east wing) shall be no greater than 6 storeys.
 - (iv) Building B2 (north east wing) shall no greater than 4 storeys.
 - (v) Building D2 (south/west wing) shall be no greater than 6 storeys.
 - (vi) Building D3 (north-west wing) shall be no greater than 6 storeys.
 - (vii) Building D3 (north-wing) shall be no greater than 4 storeys.
 - (viii) Building D1 (east wing) along Wilson Street to be a maximum 2 storeys plus third storey in the form of an attic.
 - (ix) Building E1, along Wilson Street to be a maximum 2 storeys plus third storey in the form of an attic.
 - (x) Building E2 shall be no greater than 5 storeys.
- (b) The apartment sizes are to be amended to the following minimum dwelling sizes:
- (i) Studio – 60m²;
 - (ii) 1 Bedroom – 75m²;
 - (iii) 2 Bedroom – 100m²;
 - (iv) 3 Bedroom – 130m²;

(v) 4 Bedroom – 160m².

(c) The combined number of studio and one-bedroom apartment shall not exceed 25 % of the total number of apartments.

(d) The car parking shall be amended to be compliant with Botany Bay DCP 2013.

Note: As a result of Condition 2A above, a reduction in unit number would result. Based on the current unit numbers, there is a shortfall of 37 visitor car parking spaces.

(e) Vehicular access to the basement shall be wholly via Pemberton Street, until such time as access is able to be gained from New Street One, following its complete construction and dedication to Council by the adjoining developer Toplace P/L.

Note: The proposed access via that part of New Street One that has been dedicated to Council conflicts with pedestrian footpaths and public domain areas. Access to New Street One may be possible in the future, once the road is fully dedicated to Council. A section 96 modification application will need to be lodged for consideration of this in the future.

3 The applicant must, prior to the issue of any Construction Certificate, pay the following fees:

(a) Development Control \$11,200.00

Note: The Footpath Deposit bond that would ordinarily apply has been required as a Condition on DA 14/239 for demolition and tree removal.

4 Planning Agreement

(a) Prior to the issue of any construction certificate, in accordance with the letter of offer dated 26 June 2015, the landowner is to enter into a Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 with Botany Bay City Council.

(b) The preparation of the Planning Agreement and the works subject to the Planning Agreement are to be at no cost to Council.

5 The public park component of the development shall be maintained by the Applicant for a defects period twelve (12) months before handover to Council and after final written approval of its construction and fitout by Council, including all certifications of structural components and warranties. All liability for damage, theft, death and repair of its components shall be borne by the Applicant. A damage deposit or similar should be placed over this requirement.

6 As a consequence of the development, the applicant is provide traffic signals at the intersection of Pemberton Street and Botany Road. The applicant's contribution shall 38 per cent of the cost, which the proportional traffic generated from the subject development in the Wilson/Pemberton Street Precinct.

7

(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 and embellish the public park of a minimum 3000sqm to Botany Bay Council;
- (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 on Pemberton Street, Wilson Street and Warrana Street with new paving at the applicant's expense. All improvements shall be in accordance with Council's Landscaping and Engineering specifications and requirements,
- (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) 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,
- (vii) All land dedication, road construction, kerb and gutter, drainage, street trees and associated works are to be completed prior to the issue of the Occupation Certificate for the development.

8 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.

9

- (a) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

- (b) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view;
 - (c) 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;
 - (d) Air conditioning units must not be visible from any public place.
- 10 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No.613844M; 613873M and 613783M, dated 30 March 2015, for the development are fulfilled and updated to reflect the amendments to the proposal.

Note: “relevant BASIX Certificate” means:

A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

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

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

- 11 The following shall be complied with:
- (a) The maximum floor space ratio shall not exceed 0.96:1 within the B4 Mixed Use Zone, and 1.55:1 within the R3 Medium Density Residential zone.
 - (b) The approved building heights is defined generally as follows:
 - (i) Building A1 and A2 (within the B4 zone) shall be no greater than 3 storeys or 10 metres in height.
 - (ii) Building B1 (west) along Pemberton Street (within the B4 zone) shall be no greater than 3 storeys or 12.4 metres in height, with the exception that Building B3 along Pemberton Street is 4 storeys or 16.5 metres.
 - (iii) Building B3 (south wing) shall be no greater than 7 storeys or 25.5 metres and part 5 storeys or 19.5 metres.
 - (iv) Building B (east wing) shall be no greater than 8 storeys or 28.6 metres.
 - (v) Building B2 (north east wing) shall be no greater than 4 storeys or 15.5 metres.
 - (vi) Building D2 (south/west wing) shall be no greater than 7 storeys or 25.3 metres.
 - (vii) Building D3 (north-west wing) shall be no greater than 7 storeys or 25.4 metres.

- (viii) Building D3 (north wing) shall be no greater than 4 storeys or 15.3 metres.
 - (ix) Building D1 (east wing) along Wilson Street shall be no greater than 3 storeys or 12.1 metres.
 - (x) Building E1, along Wilson Street shall be no greater than 3 storeys or 11.5 metres.
 - (xi) Building E2 shall be no greater than 5 storeys or 18.7 metres.
 - (c) 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) 10-30 units – 1 adaptable housing;
 - (iii) 31-50 units – 2 adaptable housing;
 - (iv) 51 plus – 2 units, plus an additional 1 unit for each 30 units;
 - (d) The number of apartments must not exceed 438 or the number of apartments as can be contained in compliance with sub conditions (a), (b) & (c) thereof, whichever is the lesser.
- 12 All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions, Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the applicant.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 13 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 decommissioning.
 - b. New substations will be required to supply the proposed development.
- 14 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 watertable watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently

extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.

- c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and
 - B. any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- e) The NSW Office of Water requires documentation (referred to as 'report') comprising measurements, maps, borelogs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the NSW Office of Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- f) The following shall be included in the initial report:
 - A. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including borelogs and three-dimensional identification information.
 - B. a map of the site and its immediate environs depicting the watertable (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the watertable during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

- C. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
- D. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [The Office of Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
- g) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- h) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
- i) Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- j) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- k) A copy of a valid development consent for the project shall be provided in the initial report.
- l) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

- m) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- n) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- p) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- q) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval and/or owner's consent/s. 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 shall be complied with.
- r) 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 sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- s) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- t) 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 procedures.

Following excavation

- u) Following completion of the dewatering operations, the Applicant shall submit to the NSW Office of Water, Parramatta Office, the completion report which shall include:
 - A. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

- B. a watertable map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - C. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- v) The completion report is to be assessed by NSW Office of Water prior to any certifying agency's approval for occupation or use of the completed construction.
- 15 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 33.6 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 33.6 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”.

PRIOR TO COMMENCEMENT OF ANY WORKS

- 16 All demolition works are to be undertaken in accordance with DA 14/239.
- 17 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) Pemberton Street, Warrana Street and Wilson Street; 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.)

18

- (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.

- 19 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.
- 20 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.
- 21 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)*.

- 22 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -
- (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - Permit for roads and footways occupancy (long term/ short term),
 - Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - 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,
 - Permit to place skip/waste bin on footpath and/or nature strip,
 - Permit to install temporary shoring under Council's road reserve, and
 - Permit to use any part of Council's road reserve or other Council lands.
- 23 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) 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.
- 24 Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).
- 25 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- 26 Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- 27 The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA *Environmental Noise Control Manual*.
- 28 The approved Waste Management Plan for the, shall be complied with at all times during demolition works and construction works.

- 29 Throughout the 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 free copy of the sign is available from Council's Customer Service Counter.
- 30 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 31 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.
- 32 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.
- 33 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.

- 34 Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- 35 The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).
- 36 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 10m² of bonded asbestos and/or any friable asbestos.
- 37 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 Principle 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,
 - (g) Keeping excavated surfaces moist.
- 38 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.
- 39 The following trees existing on the site and the Council road reserve are required to be retained until the issues of building and basement setback, levels, tree retention, landscaping and public domain have been addressed and a revised Arborist report submitted.
- (a) Trees # 93, 88, 100, 104, 106 located on adjoining properties to the north.
 - (b) Tree # 46A - a Liquidamber in the Wilson Street frontage.
 - (c) Tree #55 - a Eucalyptus on the site.
 - (d) All Council street trees in the Wilson and Pemberton Street road reserves.
 - (e) All other trees in the Wilson Street setback of the property.

In order to ensure that ALL of the above trees are protected during construction, the following is required :

- (a) Prior to commencing any works on the property the trees are required to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete. This work is to be undertaken by an AQF Level 5 Consulting Arborist.
- (b) 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.
- (c) Fencing shall be erected to ensure the public footway is unobstructed.
- (d) If there is insufficient space to erect fencing in a particular area, and after Council approval, 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).
- (e) 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.
- (f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.

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

- 40 A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:
- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
 - (b) The proposed phases of construction works on the site and the expected duration of each construction phase,
 - (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,

- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- (i) Proposed protection for Council and adjoining properties, and
- (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

- 41 A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or/and Roads and Maritime Services) for approval. The plan shall:
- be prepared by a RMS accredited consultant,
 - 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, and
 - if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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.

- 42 Prior to any excavation works below 7m below ground level an acid sulfate soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS.

Note:

- (i) 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; and
- (ii) All recommendations of the report shall be implemented prior to the commencement of excavation or building works below 7m below ground level.

- 43 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.

- 44 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.
- 45 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of **\$1,299,600.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 46 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority.
- The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 47 The Applicant is to submit payment for a Tree Preservation Bond of \$40,000.00 to ensure the protection of all trees outlined in Condition 39 from damage during site works. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.
- 48 The Pemberton Street setback shall be primarily a deep soil, permeable landscape zone and is to include medium canopy trees. The 1.8m dividing terrace walls are to be reduced in height to be consistent with property boundary walls and allow street surveillance. Landscape sections and elevations are required to accurately depict landscape treatment, hard elements and levels on this frontage. Terraced landscape areas are not recommended to ensure adequate space for tree planting, large shrubs, natural drainage (deep soil, not podium) and to ensure landscaping addresses and

relates to the public domain. Sections are to be consistent with plan drawings and architectural.

- 49 The Wilson Street setback shall be a deep soil and permeable landscaped area. Hard paving in the setback is to be minimised (patios, entries etc). This area must contain tree planting and must investigate the retention of existing trees to improve the interface with existing low density residential opposite the site. In order to retain existing trees (as stipulated by Council), existing soil levels in this area must be maintained. This may require a re-evaluation of building and basement setbacks and levels. The setback area is to be primarily a deep soil, permeable landscape zone and is to include medium canopy trees. Dividing terrace wall heights and materials are to be consistent with property boundary walls and allow street surveillance. Landscape sections and elevations are required to accurately depict landscape treatments, hard elements and levels on this frontage. Terraced landscape areas are not recommended to ensure adequate space for tree planting, large shrubs, natural drainage (deep soil, not podium) and to ensure landscaping addresses and relates to the public domain. Sections are to be consistent with plan drawings and architectural. The treatment of this boundary must be consistent with adjoining new developments to the south and provide adequate landscaping adjoining the boundary line that is visible from the public domain. The 2.8m high boundary fencing is to be reduced for consistency with adjoining developments and to improve public domain resolution and interface. The proposed landscape treatment shall be re-designed to be more sympathetic with the street and to adequately and suitably ameliorate the development. The deep soil availability in this setback has not been maximised with large planters or by the planting of trees.
- 50 An Arboricultural Report shall be submitted to Council in accordance with Part 3F of BBDEC2013. The Report shall be prepared by a qualified AQF Level 5 Consulting Arborist who is a practicing member of Arboriculture Australia, only. The report is to include all trees as described in Condition 39 The report is to describe the health and SULE of each tree and provide a management strategy to mitigate impacts.
- 51 The landscape areas shown on the conceptual landscape plans by Tract and dated 1 April 2015 shall be the subject of detailed landscape construction documentation – plans, sections, elevations, construction details and specifications, to be submitted to and approved by the City of Botany Bay Council’s Landscape Architect. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with BBDCP2013. The detailed, construction level landscape plan shall include, but not be limited to:
- (a) A site plan showing building envelopes, paved areas and areas to be landscaped.
 - (b) A detailed planting plan at 1:100 scale showing all plant locations, groupings and centres. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers/lawn in all landscaped areas.
 - (c) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking.
 - (d) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls.
 - (e) Areas of paving, schedule of materials, edge treatments and sectional construction details.
 - (f) All external and internal fencing, privacy screening and pergolas – elevations and materials.

- (g) Details of other landscape elements such as furniture, amenity lighting, artwork and water features. Provide sectional construction details and elevations.
- (h) Planter box on slab sectional details. Planter box depths to be in accordance with BBDCP2013 and SEPP65.
- (i) In communal open spaces, soft landscaping is to be maximised and accessways/ dissecting pathways minimised. Provide lawn as well as planted areas, trees for shade and seating.
- (j) A mixture of tree heights and forms shall be used extensively throughout the site – in private courtyards, communal areas and in setbacks using small, medium and large canopy trees ranging in height from 3 to 15 metres. Trees must be of an appropriate scale to complement and ameliorate the development and to pedestrianise landscaped open spaces. Deep soil zones must include larger canopy trees. Setbacks are to include appropriate sized trees to soften the development and integrate it with the streetscape. Trees to be predominantly native, evergreen species using open canopy evergreens or some selected deciduous for solar penetration.
- (k) The public park shall incorporate playground equipment area of adequate dimensions and fitout and suited to the projected residential and local community, a fitness area and BBQ/picnic facilities. These should all be of adequate dimension to promote useability and functionality and well located for access and surveillance.
- (l) Playgrounds shall be designed in accordance with Australian Standards and all design and structural certifications provided to Council.
- (m) Incorporate shared access paths (north-south or east-west) (to accommodate bicycles).
- (n) Show the location of underground stormwater and rainwater tanks and the like and impact on landscape outcome.
- (o) Provide landscape furniture and recreational facilities appropriate to the development such as BBQ areas, shelters, seating, playground, water features and the like.
- (p) Street setbacks are to be primarily green spaces for the required 3 metre landscaped setback width. Patios shall be provided in private landscape areas behind townhouses, not in the street frontage.
- (q) Planting is to be provided to all ground floor townhouse rear private open spaces.
- (r) Clearly demonstrate tree survival/growth within the sunken tree pits regarding watering, contaminated soils, potential impacts on tree growth, form and health. Will the planting result in mostly only canopy visible at the podium communal open space level and is this optimal regarding aesthetics, visual surveillance etc.
- (s) Large/wide format, deep planters are required on podium to support trees, not linear type planters.

Once approved by Council, landscaping shall be installed in accordance with the approved landscape as stamped by Council's Landscape Architect prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

- 52 A public domain improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath locations and paving

(including segmental paving), street tree pit treatments, tree guards, in-road planted blister islands, street furniture, in ground landscaping, furniture. The Plan shall be in accordance with Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements and shall be consistent with the landscape drawings.

- 53 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
 - For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.
- 54 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - All service vehicles shall enter the property front in front out,
 - Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
 - Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- 55 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by ASON Group, dated 1 April 2015, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
 - All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
- 56 Prior to the release of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Engineering and Regulatory Services Department, showing the method of access of building materials and plant to

the property, and storage location on the property during construction and shall include all existing structures.

- 57 Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.

- 58 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Pemberton Street adjacent to the development. The camera and its operation shall comply with the following:

- The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
- Distance from the manholes shall be accurately measured, and
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

Note: If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicants expense.

- 59 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - The additional load on the system, and
 - The relocation and/or adjustment of the services affected by the construction.
- As part of this development, the stormwater drainage pipe from the Kurnell cul-de-sac and traversing the site, shall be diverted to Pemberton St and connect to existing stormwater drainage pit and pipe system on Pemberton St. Detail engineering drawings shall be in accordance with the submitted and approved by Council prior to the issue of the first Construction Certificate.

- The Ausgrid lighting poles along Warrana St, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,
- All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
- All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

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.

- 60 Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate but not be limited to the following:

- The provision made in the Stormwater Management & Flooding Analysis Report by Mott MacDonald, dated March 2015,
- The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and **permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition,**
- Provision of a minimum 10kL rainwater tank collection system for each separate Lot for internal reuse in accordance with Section 4 of Botany Bay's SMTG,
- No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a "fully tanked" structure,
- The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
- The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention (OSD) system,
- If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
- The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.

- A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- The submission of detailed calculations including computer modelling where required supporting the proposal.

61 Prior to issue of any Construction Certificate, the construction plans shall be revised to address the following: -

- (a) the maximum of reflectivity of glazing shall not exceed 20%;
- (b) any exterior lighting shall be designed to comply with *Section 9.2.1 – Lighting in the Vicinity of Aerodromes Manual of Standards*;
- (c) all recommendations stated in the Internal Traffic Assessment Report, prepared by Thompson Stanbury Associates, Ref 12-118, dated November 2012 shall be incorporated into the construction plans;
- (d) bollards shall be installed at the shared spaces of the disabled parking bays to comply with AS2890.6;
- (e) the number of disabled parking bays shall comply with AS2890.6;
- (f) garbage bins collection area shall not obstruct the shared vehicle access driveway, fire escape exits, vehicle entrance to the basement car parking area; and
- (g) an intercom system shall be provided at the vehicle entrance to the development. This is to ensure visitors can gain access to the visitor parking bays located within the basement car parking area.

62 The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Dilapidation survey reports (one prior to commencement and one at completion) of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the release of Construction and Occupation Certificate.

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 Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

- 65 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of any Construction Certificate.

This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

- 66 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP) prior to the release of any construction certificate.

This plan shall incorporate and reference the construction environmental management plan and address site limitations.

- 67 A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed a NSW Environment Authority (EPA) Accredited Site Auditor shall be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor shall review and endorse the any additional investigation and remediation proposed prior to the commencement of any works.

Evidence of this appointment shall be provided to council prior to the issue of any construction certificate.

- 68 A separate site audit statement for the park that is to be dedicated to council is required and Council will require that there is no ongoing management of any land that is to be dedicated to Council. The proposed park must be assessed using the appropriate National Environment Protection (Assessment of Site Contamination) Measure 199 as amended 2013 (NEPM 2013) exposure scenario of Public Open Space that includes parks and playgrounds.

- 69 The Remedial Action Plan (RAP) shall avoid the use of containment strategy and contaminants should be treated onsite or removed from the site whenever possible. Any remediation that utilises a containment strategy for contaminants must be accompanied by a Long-term Environmental Management Plan (LTEMP). This LTEMP must be added to the title of the site.

70 An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the issue of any Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:

- (a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
- (b) Management of acid sulfate affected excavated material;
- (c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
- (d) Run-off control measures for the acid sulfate affected soil.

This report shall be provided prior to the issue of any construction certificate and all recommendations of the report shall be implemented during works on site.

71 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.

72 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.

73 Prior to issue of any Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:

- (a) Waste and recycling for commercial users shall be in a separate room from the storage of waste and recycling for residential users;
- (b) The rooms for the storage of garbage and recyclable materials shall be fully enclosed;
- (c) Adequately ventilated and of a suitable size to contain compaction equipment;
- (d) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
- (e) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation; and,

- (f) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 74 The following requirements apply to telecommunication facilities in the building:
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the Principal Certifying Authority prior to issue of any Construction Certificate.
- 75
- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill;
 - (b) All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting; and
 - (c) The installation of solar power to external space lighting. Details shall be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.
- 76 Prior to issue of any Construction Certificate, the following measures shall be provided within the Construction Certificate documentation with respect to noise attenuation/treatment of the building/s in accordance with the criteria listed within this condition:
- (a) the measures Referenced to the Acoustic Logic Noise Impact Assessment Revision 1 dated 25 March 2015 the development shall be designed and constructed such that in-flight aircraft noise is mitigated by effective sound insulation and complies the requirements of AS 2021 -2000 'Aircraft Noise intrusion - Building Siting and Construction'.

CRITERIA

- (i) A detailed impact assessment of in-flight aircraft noise intrusion shall be conducted by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership prior to the issue of construction certificate to determine acoustic treatments required to ensure road traffic noise does not exceed the relevant Conditions of Consent and legislative requirements. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
- (b) The development shall be designed and constructed taking into account the requirements for effective sound insulation against external road traffic noise

intrusion and satisfies an internal sound pressure level less than LAeq 1 hour 40dBA, with the doors and windows closed.

CRITERIA

- (i) A detailed impact assessment of external road traffic noise intrusion shall be conducted by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership prior to the issue of construction certificate to determine acoustic treatments required to ensure road traffic noise does not exceed the relevant Conditions of Consent. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
- (c) The development shall be designed and constructed taking into account the requirements for effective sound insulation against external noise intrusion from industrial sources, associated land and water based Port Botany activities and all ground activities associated with the operation of Sydney Kingsford Smith Airport including aircraft take-offs and landings and satisfies an internal sound pressure level less than L_{Amax} 50dBA, with the doors and windows closed.

CRITERIA

- (i) A detailed impact assessment of noise from industrial sources, associated land and water based Port Botany activities and ground activities associated with the operation of Sydney Kingsford Smith Airport including aircraft take-offs and landings shall be conducted by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership prior to the issue of construction certificate to determine acoustic treatments required to ensure noise from these sources does not exceed the relevant Conditions of Consent. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
- (d) The development shall be designed and constructed taking into account the requirements for effective sound insulation for mechanical plant/equipment installed and operated on the development, and
 - (i) shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property, external apartment balcony or external apartment window greater than 5dBA above the existing background LA90 level (in the absence of the noise under consideration).
 - (ii) shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property, external apartment balcony or external apartment window that exceeds LAeq 50dBA daytime and LAeq 40dBA nighttime.

- (iii) shall not give rise to an equivalent continuous (LAeq) sound pressure level at any commercial/industrial premises that exceeds LAeq 65dBA.

For assessment purposes the LAeq levels referenced above in sub-clauses i), ii) and iii) shall be assessed over a 15 minute period and adjusted in accordance with procedures referenced in the NSW Industrial Noise Policy for tonality, frequency weighting, impulsive characteristics, fluctuation and temporal content where necessary.

CRITERIA

- (iv) A detailed noise impact assessment shall be conducted by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership prior to the issue of construction certificate to determine acoustic treatments required to ensure that noise from mechanical plant/equipment systems installed and operated on the development does not exceed the relevant Conditions of Consent. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
- (e) Prior to any field acoustic compliance testing of internal walls and floors a report shall be provided to the testing Acoustic Engineering certifying that all internal walls and floors within the development are constructed in accordance with the details submitted the documentation provided for the Construction Certificate. Any variations to CC approved documentation shall be approved by the Principal Certifying authority and identified in the report.
- 77 Prior to the issue of any Construction Certificate, a minimum 777 off-street car parking bays as defined in AS2890.2 shall be provided to the development as shown on the approved architectural plans. All parking bays and loading bays shall be line marked. The allocation of parking bays shall be in accordance with the following:-
- (a) *777 parking bays* shall be allocated to commercial tenancies, residents and visitors parking only. The allocation of parking bays shall be based on the following rate:
- | | |
|--------------------------|-----------------------------|
| • 9 commercial units | 1space/50m ² GFA |
| • Studio/ 1-bedroom unit | 1 space/unit |
| • 2/3 and 4 bedroom | 2 spaces/unit |
- (b) Forty Eight (48) off-street parking bays shall be made available at all times for visitors parking, with minimum one (1) parking bay to also be used as car wash bay.
- (c) The allocation of disabled parking and shall be based on the following rate:
- | | |
|------------------------------------|---------------|
| • Adaptable Studio/ 1-bedroom unit | 1 space/unit |
| • Adaptable 2/3 and 4 bedroom | 2 spaces/unit |

- (d) At least one (1) disabled parking bay shall be available for visitor parking.
 - (e) A minimum one (1) car wash bays shall be provided and shall be connected to water and sewer.
 - (f) The proposed car parking facility (space size, aisle widths, headroom clearance gradients and safe sight distance etc) shall be designed to ensure all vehicles visiting the site can safely enter and leave in a forward direction in accordance with relevant sections of AS2890. The architectural plans shall be amended where required and Traffic Engineering certification confirming compliance shall be submitted for approval with the Construction Certificate application
- 78 Prior to the issue of the Construction Certificate, the measures required in the Wind Impact Assessment, Report prepared by Windtech Pty Ltd dated 31 March 2015 shall be detailed on the Construction Certificate plans.
- 79 Prior to the issue of the Construction Certificate, a Certificate under Section 73 of the Sydney Water 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.
- 80 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying 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.
 - (b) All garbage must be collection within the site. The head clearance of the loading dock area to facilitate this must be 4.6 metres.
- 81 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 the Certifying Authority prior to the issue of a

Construction Certificate and its location and specifications endorsed on the construction drawings.

- 82 Prior to the issue of the Construction Certificate, detailed construction plans in relation to the development shall be revised and submitted to Council for approval. The plan shall be revised to include the following:
- (a) 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.
- 83 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.
- 84 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
- 85 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 with details shown on plans submitted with the construction certificate.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS RELATED TO THE DEVELOPMENT

- 86 In order to ensure that ALL of the trees required to be retained in Condition 39 are protected during construction, the following is required :
- (a) All TPZ's as well as the entire Council nature strip are a "No-Go" zone. There shall be no access to the property excluding existing crossovers, 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.
- (b) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- (c) Excavation within the canopy dripline and within an area extending 3 metres outward of the canopy dripline of any street tree shall be carried out manually using hand tools to minimise root damage or disturbance.
- (d) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer after a site inspection so as not to unduly impact or stress the tree.
- (e) 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.
- (f) The Applicant must ensure a minimum offset of 3 metres between any driveway

crossover and street tree. Excavation for the crossover shall be undertaken manually. If major roots are encountered Council's Tree Officer is required to inspect and provide advice.

- (g) Masonry boundary fencing/walls or retaining walls shall be of piers or bridged construction to minimise damage to major or structural street 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.
- (h) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new sub-surface 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.
- (i) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.

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.

87 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

88 Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.

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.

89 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

- 90 For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge shall be provided in this report.

Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

- 91 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
- 92 All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
 - 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; and
 - d) The '*Remediation Action Plan - 47-67 Wilson Street Botany NSW 2019*' prepared by DLA Environmental, Document No. S002334 dated November 2014; and
 - e) Any recommendations of the appointed NSW Environment Authority (EPA) Accredited Site Auditor.
- 93 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 94 The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to any construction certificate including:
- (a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
 - (b) Management of acid sulfate affected excavated material;
 - (c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - (d) Run-off control measures for the acid sulfate affected soil.

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

If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.

- 96 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.

- 97 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:

- a) Office of Environment and Heritage (OEH) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

All 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.

- 98 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan;
- b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
- c) Protection of the Environment Operations Act 1997.

- 99 During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

- 100 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.

- 101 During construction, the principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- (g) The Soil and Water Management Plan if required under this consent;

- (h) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
- (i) Protection of the Environment Operations Act 1997.

Where there is any conflict The Blue Book takes precedence.

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

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

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

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

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

102. During construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:-
 - (a) Approved Erosion and Sediment Control Plan; and
 - (b) Approved Construction Traffic Management Plan;
103. All works carried out on the road reserve (including future road reserve area) shall be inspected and approved by Council’s engineer. Documentary evidence of compliance with Council’s requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages: -
 - (a) Initial pre-construction on-site meeting with Council’s engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works
 - (b) Prior to backfill of street drainage pipes
 - (c) Prior to placement of concrete (vehicular crossings, kerb and gutter, footpaths and shared pedestrian/cyclist paths)
 - (d) Prior to placement of road pavement
 - (e) Final inspection

Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for any additional inspections undertaken by Council.

104. Construction Noise shall be in accordance with the following:

- (a) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
- (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (ii) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
- (c) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (i) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- (d) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm
 - (ii) Saturday 07:00am to 04:00pm
 - (iii) No Construction to take place on Sundays or Public Holidays.
- (e) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.

105. The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA Environmental Noise Control Manual.

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

107. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- (c) the Development Approval number;
- (d) the name of the Principal Certifying Authority including an after hours contact telephone number; and,
- (e) any such sign is to be removed when the work has been completed.

108. Construction Operations

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (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.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
109. During Demolition, Excavation 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 demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made 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.
110. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
111. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

112. A Stage 4 – Site Validation Report (SVR) 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) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the proposed residential and public park use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

113. To ensure that the site is suitable for the proposed uses, 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 residential and dedicated public park use. This shall be provided prior to the release of any Occupation Certificate.

A separate site audit statement for the park that is to be dedicated to council is required and Council will require that there is no ongoing management of any land that is to be dedicated to Council. The proposed park must be assessed using the appropriate NEPM 2013 exposure scenario of Public Open Space that includes parks and playgrounds.

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) for each SAS completed prior to the issuing of any 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.

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

115. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate addressing the following.

- (a) Field testing and evaluation of internal walls and floor insulation systems is to be carried out at a post construction stage by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to demonstrate compliance with BCA Acoustic requirements. The report is to include details of the walls and floors separating apartments. Apartments with carpet covered floors shall be identified in the report.

- (b) All noise reduction measures specified in the CC Noise Assessment reports and all other relevant conditions of consent shall be validated by a Certificate of Compliance prepared by an Acoustic Consultant. The report shall include measurement results from site attended noise audits and unmanned noise monitoring conducted over not less than three (3) consecutive 24 hours periods to demonstrate that the Development Conditions of Consent are satisfied.
116. All vehicular crossings are to be constructed prior to the issuing of any Occupation Certificate (or the completion of work or the use of the building). The applicant shall make a separate application to Council's Customer Service Counter to construct (or reconstruct) a vehicular crossing (either using Council's or own forces) to all vehicular entry points to the site. All vehicular crossings, which were shown on submitted plans, shall be in the correct location. All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section.
117. Prior to the release of any Occupation Certificate, the following works shall be completed to Council's satisfaction at the applicant's expense to Council's satisfaction:
- (a) Dedicate at no cost to the Council that part of land required for road widening along the site's Pemberton Street frontage; and
 - (b) The construction of new vertical kerb and gutter and associated footpath and landscaping paving along the entire frontage of the site to Pemberton Street; and
 - (c) The asphalt sheeting of half road width including reconstruction of any damaged road pavement along the entire frontage of the site to Pemberton Street; and
 - (d) The overhead power cables to this development site frontages have been undergrounded; and
 - (e) The construction of underground piped drainage system where required including any other necessary engineering works where required to make the construction effective; and
 - (f) The intersection of Botany Road and Pemberton Street shall be signalised with traffic lights in compliance with the requirements of the Roads and Maritime Service (RMS).
- 118.
- (a) Prior to the issue of the Occupation Certificate a Traffic Management Plan prepared by a suitably qualified Traffic Engineer shall be prepared and submitted to the Principal Certifying Authority and Council addressing traffic management measures required for Kurnell Street, Herford Street and Warana Street.
 - (b) The Traffic Management Plan shall be submitted to Council for consideration and any traffic management measures required shall be the subject of a separate development application to Council to undertake the necessary traffic management works at no cost to Council.

119. All services (Utility, Council, etc) within the road reserve (including the footpath) affected by the proposed development shall be relocated/adjusted where required to match the proposed/existing levels. All costs are to be borne by the applicant.
120. Prior to the issues of a Final Occupation Certificate, as required by Council's DCP for multi-unit dwellings:
- (a) Mailboxes shall be provided to all units in accordance with Australia Post standards; and
 - (b) The name and address of the premises shall be displayed in a visible position.
121. Prior to the issue of an Occupation Certificate, a Certificate from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that:
- (a) the maximum floor space ratio shall not exceed 0.96:1 within the B4 Mixed Use Zone, and 1.55:1 within the R3 Medium Density Residential zone and shall comply with the following maximum height restrictions:
 - (i) Building A1 and A2 (within the B4 zone) shall be no greater than 3 storeys or 10 metres in height.
 - (ii) Building B1 (west) along Pemberton Street (within the B4 zone) shall be no greater than 3 storeys or 12.4 metres in height, with the exception that Building B3 along Pemberton Street is 4 storeys or 16.5 metres.
 - (iii) Building B3 (south wing) shall be no greater than 7 storeys or 25.5 metres and part 5 storeys or 19.5 metres.
 - (iv) Building B (east wing) shall be no greater than 8 storeys or 28.6 metres.
 - (v) Building B2 (north east wing) shall be no greater than 4 storeys or 15.5 metres.
 - (vi) Building D2 (south/west wing) shall be no greater than 7 storeys or 25.3 metres.
 - (vii) Building D3 (north-west wing) shall be no greater than 7 storeys or 25.4 metres.
 - (viii) Building D3 (north wing) shall be no greater than 4 storeys or 15.3 metres.
 - (ix) Building D1 (east wing) along Wilson Street shall be no greater than 3 storeys or 12.1 metres.
 - (x) Building E1, along Wilson Street shall be no greater than 3 storeys or 11.5 metres.
 - (xi) Building E2 shall be no greater than 5 storeys or 18.7 metres.
 - (xii)
- 122.
- (a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape

- drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
- (b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council prior to the Issue of an Occupation Certificate.
 - (c) The contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
123. The Applicant is to submit payment of a Street Tree Maintenance Bond of \$30,000.00. The duration of the Bond shall be limited to the 12 month maintenance and defects period after planting of the new street trees and inspection and written approval from Council. At the completion of the Bond period the Bond will be refunded pending a satisfactory inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.
124. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape 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.
125. 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 Landscape DCP. 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.

126. All electrical kiosks/substations, fire booster assemblies or similar utilities must be housed within the external face of the building structure and screened from view from the public domain area. The utilities must be screened by a built screen enclosure and 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 installation. The 2 x electrical kiosks have not been incorporated into the building structure and stand alone on the street frontages. The fire booster assemblies are not indicated. These must be incorporated into the building structure and screened with walling and doors.
127. Prior to the issue of either an Interim or Final Occupation Certificate of the relevant stage, documentation from suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying that the car parking area, loading area, turning area access ramps, driveways and internal circulation driveways have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. All internal circulation road network, parking and loading facilities shall be clearly designated, sign posted (including "Passenger Vehicle Only", "Entry Only" and "Exit Only" signs) and line marked. Signage and line marking shall comply with the current version of Australian Standards.
128. Prior to the issue of either an Interim or Final Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- 129.
- (a) Prior to the issue of either an Interim or Final Occupation Certificate, the construction of the stormwater drainage system of the proposed development shall be completed in accordance with the approved stormwater management construction plan(s).
 - (b) Documentation from a practicing and qualified Civil Engineer experienced in stormwater drainage design shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed in accordance with the approved stormwater management construction plan(s) and accepted practice.
130. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

131. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Pemberton Street and the new stormwater pipe servicing the Kurnell Street catchment.

The camera and its operation shall comply with the following:

- The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
- Distance from the manholes shall be accurately measured, and
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council for review. Any defect/damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

132. 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 stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
133. Prior to the issue of either an Interim or Final Occupation Certificate, the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in Condition No.69 of this consent have been carried out and certify that the construction meets those requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
134. The name of the development, street numbers and unit numbers shall be clearly displayed with such numbers being in contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council and the PCA for approval prior to the release of the Occupation Certificate.
135. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
- On Botany Road and Pemberton St, the applicant shall contribute to the cost of the construction of the new Traffic Signals,
 - On Pemberton St, carry out all civil works as per the Road Widening and Verge Works by Mott MacDonald, dated 25 March 2015,

- On Warrana St, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications,
 - On Warrana St, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications,
 - On Wilson St, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications,
 - On Wilson St, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications,
 - On Kurnell St, adjacent to the development, reconstruct the cul-de-sac stormwater inlet pit(s) with minimum 2.4metre Lintels in accordance with Council's Infrastructure Specifications, and
 - On Kurnell St, adjacent to the development, reconstruct the cul-de-sac kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications.
136. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
137. Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording,
 - Restriction on use of land for Compensatory Flood Storage. Refer to Appendix D of the SMTG for suggested wording, and
 - Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.
- The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.*
138. Prior to the issue of any Occupation Certificate, the following is to be complied with:
- a) Dedicate to Council and at no expense to the Council and generally in accordance with the Subdivision Drawings by Dunlop Thorpe & Co. dated 26 March 2015.
139. The Pemberton Street public footpath shall be re-constructed in accordance with Council specifications and the final, approved public domain plan. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications only.

Note: Construction hold points and Council inspections are required at the following points:

- (i) after formwork installation and to prior pouring the concrete blinding slab,
- (ii) at the commencement of paving works, and
- (iii) at final completion.

Council approval of public domain works is required prior issue of an Occupation Certificate.

140.

- a) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
- b) Prior to the issue of the occupation certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building.
- c) Where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

141.

- (a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.
- (b) Condition Nos. 112 to 141 are pre-conditions prior to the issue of the Occupation Certificate.

OPERATIONAL CONDITIONS

- 142. 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.
- 143. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a defects and maintenance period of twelve (12) months after written approval of the street tree planting by Council. Maintenance includes twice weekly watering to sustain adequate growth, bi-annual feeding, weed removal around the base,

maintenance of a 100mm deep mulch ring at all times and replacement of damaged, dead, diseased, declining or stolen plant material at any time during the 12 month period. Maintenance does not include pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time. This includes existing and new street trees. All pruning work is undertaken by Council only.

144. Ongoing maintenance of the grass/landscaped nature strips that are located outside the property boundaries and within the road verges shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass or plant material in accordance with the approved landscape plan.
145. Any subsequent Strata Subdivision must be accompanied by a formal copy of the By-Laws which shall be in accordance with the plans and documentation approved under this Consent and should also address the following matters:
 - (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.13/208;
 - (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.13/208;
 - (c) Responsibilities regarding the maintenance of the car wash bays by 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 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) Responsibilities to ensure that graffiti is removed as soon as practicable. In this regard a graffiti management plan is to be incorporated into the maintenance plan for the development;
 - (h) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the *Environmental Planning and Assessment Regulation 2000*;
146. All vehicles (including deliveries) shall enter and exit the premises to the public roads in a forward direction.

147. The landscaped areas on the property shall be installed and maintained in accordance with approved landscaped documents, the conditions of consent, Council's DCP and to Council's satisfaction at all times.
- 148.
- (a) All parking areas shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods.
 - (b) Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.
149. The operation of plant equipment shall comply with the City of Botany Bay's General Noise Criteria is as follows:
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (b) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- Note:** 'Offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and the Protection of the Environment Operations (Noise Control) Regulation 2000, (See advisory notes).
- (c) Noise controls specific to the amenity of the residential neighbourhood
 - (i) The La10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00pm one day and 7:00am the day following Monday to Sunday when measured at the boundary of any residential property; and,
 - (ii) Notwithstanding compliance with the above (Condition No. 72(c)(i)), the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 7:00pm one day and 7:00am the day following Monday to Sunday.
150. Internal lighting should be left on at night to communal corridors and emergency exits enable patrolling police, security guards and passing people to monitor activities within the businesses and ground floor common areas.
151. Any new street trees shall be maintained by the Owner/Strata Corporation for 12 months after planting. Maintenance includes watering twice weekly for a minimum period of 4 months (or until established) and after that at a frequency to sustain

adequate growth, bi-annual feeding with a suitable fertilizer, weed removal and replenishment of the mulched base, but does not include trimming or pruning the trees under any circumstances. Any trees that fail to thrive shall be replaced by the owner/strata corporation to Council's satisfaction at their expense.

152. All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The building owner shall be responsible for the following:

- (a) Where waste and recycling containers need to be moved to the street;
- (b) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the waste storage area;
- (c) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected;
- (d) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers; and
- (e) Providing and maintaining signage and information to uses to encourage recycling.

153.

- (a)
 - (i) The hours of operation for the commercial tenancies located on the ground floor shall be restricted to 8am- 7pm Monday to Saturday.
 - (ii) No work on Sundays or public holidays.
- (b) The collection of garbage and any delivery of goods associated with the commercial tenancies shall be limited 8am-7pm Monday to Saturday.

154. 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 1 April 2015, and that any alteration, variation, or extension to the use, for which approval has been given, would require further consent from Council.

ADVISORY NOTE

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.