

Premises: 15-19 Edgehill Avenue, Botany

DA No: 14/40

DRAFT SCHEDULE OF CONSENT CONDITIONS

GENERAL AND MONETARY CONDITIONS

1. This approval shall be carried out in accordance with the following plans, as endorsed with Council's stamp, except where amended by other conditions of this consent. Any alteration, variation, or extension to the use, for which approval has been given, will require further approval from Council. Reference documentation is also listed.

Drawing No.	Author	Dated
Architectural Plans	Krikis Tayler Architects	
A100 Issue 01		27 February 2014
A101 Issue 01		9 July 2014
A102 Issue 06		7 July 2014
A103 Issue 10		14 August 2014
A104 Issue 11		10 September 2014
A105 Issue 09		10 September 2014
A106 Issue 06		10 September 2014
A107 Issue 10		10 September 2014
A108 Issue 08		14 August 2014
A109 Issue 10		14 August 2014
A110 Issue 08		14 August 2014
A120 Issue 07		13 August 2014
A121 Issue 07		13 August 2014
A123 Issue 05		14 August 2014
A130 Issue 04		14 August 2014
A131 Issue 04		14 August 2014
A132 Issue 04		14 August 2014
A133 Issue 04		14 August 2014
A134 Issue 04		14 August 2014
SK140626-02 Issue 03		14 August 2014
SK140109-01	Krikis Tayler Architects	13 January 2014
SK140109-02		13 January 2014
SK140109-03		13 January 2014

Drawing No.	Author	Dated
SK140109-04		13 January 2014
SK140109-05		13 January 2014
SK140109-06		10 September 2014
SK140109-07		10 September 2014
SK140109-08		10 September 2014
SK140109-09		10 September 2014
SK140109-10		10 September 2014
SK140109-11		10 September 2014
Apartment Schedule Issue D	Krikis Tayler Architects	14 August 2014
Landscape Plans	Zenith Landscape Designs	
13-2709 L01 Revision A		18 February 2014
13-2709 L02 Revision A		18 February 2014

Reference Document(s)	Author	Date Received
Statement of Environmental Effects, dated 10 September 2014	LJB Planning	12 September 2014
SEPP 65 Design Verification Statement	Krikis Tayler Architects	12 September 2014
BASIX Report, Ref WB875-02F02 (REV0), dated 10 November 2014	Windtech Consultants	10 November 2014
BASIX Certificate Nos. 523671M_02, 523682M_02 and 523672M_02, dated 7 November 2014	Windtech Consultants	10 November 2014
Waste Management Plan	Elephants Foot	6 March 2014
Wind Impact Assessment, dated 4 March 2014	SLR Global Solutions	6 March 2014
Detailed Environmental Assessment Report, Ref No. 42380-53779, Revision 2, dated 28 February 2014	JBS&G	6 March 2014
Remedial Action Plan, Ref No. 42380-54846, Revision 2, dated 28 February 2014	JBS&G	6 March 2014
Site Audit Report, Remedial Action Plan, Project No.	ENVIRON Australia	6 March 2014

Reference Document(s)	Author	Date Received
AS121581, dated March 2014		
Access Report, dated 4 March 2014	Accessibility Solutions Pty Ltd	6 March 2014
Geotechnical Report, Ref No.26345Z, dated 13 March 2013	JK Geotechnics	6 March 2014
Noise Impact Assessment, dated 12 May 2014	Acoustic Logic	13 May 2014
Quantity Surveyors Statement, dated 3 March 2014	Couts Cost Consulting	6 March 2014
Soil and Water Management Plan	National Project Consultants Pty Ltd	6 March 2014

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

2.

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

- i) Builders Damage Security Deposit \$306,000.00

The Damage Deposit must be paid by way of cash 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 on the issue of the Final Occupational Certificate.

- ii) Development Control \$12,300.00

- iii) Add. Advertising Fee \$1105.00

- iv) Add. Notification Fee \$1,340.00

- v) Public Works Bond \$60,000.00

Note: Any Bank Guarantees provided in lieu of the Security Deposit or any other Bond will incur a \$250 handling fee.

- b) The applicant must prior to the issue of the Occupation Certificate, pay the Section 94 Contribution of \$1,780,000.00

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

3. The applicant shall at no costs or expense to Council, comply with the following:

- a) Prior to issue of the construction certificate for above ground works, a **Public Domain Plan** shall be submitted to and approved by Council for public domain improvements along the frontage of the development to Edgehill Avenue. The Plan shall be undertaken by a suitably experienced Landscape Architect. The Plan shall include but not be limited to footpath treatments, service adjustments/access lids and street trees (as provided by the Landscape Consultant), adjoining the site together with the provision of appropriate street light standards, drainage (if any), kerb and gutter, footway, bicycle paths, landscaping, traffic signs. The landscape component shall be in accordance with Council's City Identity Program and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. The preparation of the Plan shall include consultation with Council's Landscape Architect.
- b) All public domain/footpath improvements shall be installed in accordance with Council specifications by the applicant and at the applicant's expense. All improvements shall be completed prior to the issue of the final Occupation Certificate.
- c) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting Edgehill Avenue in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works are to be shown on the Public Domain Plan required in 3a) above;
- d) Provide appropriate and suitable street lighting to a high decorative standard to the Edgehill Avenue frontage of the site, so as to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements. These works are to be shown on the Public Domain Plan required in 3a) above;
- e) Construct a public footpath along the full frontage of the site to Edgehill Avenue in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. These works are to be shown on the Public Domain Plan required in 3a) above;
- f) Reconstruct full width of the road asphalt adjacent to the development; and
- g) Construct traffic calming devices within Edgehill Avenue to mitigate traffic safety impacts that may arise from the location of the vehicle access to the development. The proposed measures shall be to the satisfaction of Council's Engineering Department and constructed in accordance with Council's specifications.

The completion of works required in 3(a) to (g) above are pre-conditions to the issue of the Occupation Certificate.

4. The Applicant is to remove the street tree as shown on the approved landscape plan (13-2709 L02) at their expense. The tree may only be removed after a Construction Certificate has been issued. The following is stipulated:

- a) A qualified Arborist with their own public liability insurance must be engaged to undertake the work;
- b) All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit;
- c) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunks. Tree removal work shall occur without damage to Council infrastructure or underground services and utilities;

Note: Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.

5. This consent relates to land in Lot 1 of DP 1047383 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent.
6. 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 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.

7.

- 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.

8. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, all the commitments listed in BASIX Certificate Nos. 523671M_02, 523682M_02 and 523672M_02, dated 7 November 2014 must be fulfilled.

a) Note:

Relevant BASIX Certificate means:

- i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Office of Water General Terms of Approval

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

General and Administrative Issues

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified;
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below ground level that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- c) Construction methods and material used in and for construction shall 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.

Prior to Excavation

- d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level

monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report;

- e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report;
- f) A copy of a valid development consent for the project shall be provided to the NSW Office of Water;
- g) Groundwater quality testing shall be conducted on a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- h) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority;
- i) Contaminated groundwater (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 a report provided to the NSW Office of Water. 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

- j) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- k) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- l) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be

managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

- m) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- n) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- o) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

- p) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

NSW Police Service

10. 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.

Note: 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)

- b) To will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders, landscaping in the form of shrubs bushes, plants should remain under 900mm in height. Branches or large trees should start at a height of two (2) metres and higher;
- c) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles is preferred as it increases the effort required to commit crime;

- d) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area. Solid steel housing and quality key locks should be used to prevent access.
11. The following conditions are imposed by the **Sydney Airport Corporation Limited (SACL)** and must be complied with:
- a) The development at 15-19 Edeghill Avenue Botany lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.
 - b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of **23.8 metres** above Australian Height Datum (AHD).
 - c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
 - d) Should you wish to exceed the above heights, a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
 - e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
 - i) the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
 - ii) the swing circle of any temporary structure/equipment used during construction;
 - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
 - f) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

- g) The development is to comply with the Civil Aviation Safety Authority (CASA) requirements as outlined in the Council's Development Application Guide for Multi-Unit Residential, Commercial and Industrial.

Ausgrid

- 12. Ausgrid have advised that the development will require the provision of an electrical substation within the premises. Prior to the issue of the Construction Certificate, the applicant shall liaise with Ausgrid as to their requirements.

Sydney Water

- 13. Sydney Water have advised the following:
 - a) The drinking water main available for connection is the 100mm main located in Edgehill Avenue.
 - b) The wastewater main available for connection is the 150mm main located in Edgehill Avenue.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS

- 14. Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development being
 - a) All properties immediately adjoining the site; and
 - b) Edgehill Avenue and Chelmsford Avenue
- 15. 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:
 - a) 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;
 - b) 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;

- c) 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.

- 16. 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.
- 17. 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.
- 18. 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 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.
19. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:
- a) New South Wales Occupational Health and Safety Act, 2000;
 - b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - d) Protection Of the Environment Operations Act 1997 (NSW); and
 - e) Department of Environment and Climate Change Waste Classification Guidelines (2008).
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.

- iii) 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, the following approvals and permits on Council's property/road reserve under *Roads Act 1993* and *Local Government Act 1993* shall be made and obtained from Council's Customer Services Counter:
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - b) Permit for roads and footways occupancy (long term/ short term);
 - c) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - d) Permit to place skip/waste bin on footpath and/or nature strip;
 - e) Permit to use any part of Council's road reserve or other Council lands;

- f) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;
- g) Permit to establish “Works Zone” on public roads adjacent to the development site, including use of footpath area.

Note: The issue of the above permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- 23. Application(s) for permits referred to in Condition 22 above shall be submitted minimum one month prior to the planned commencement of works on the development site. A copy of the approved permits shall be submitted to the Principal Certifying Authority prior to commencement of work.
- 24. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition works upon the site in order to prevent sediment and silt from site works being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one month period after the completion of the development, where necessary.
- 25. 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.
- 26. 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 Consent 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.

27. A detailed Traffic Management Plan (TMP) for the pedestrian and traffic management of the site during demolition, excavation and construction shall be prepared and submitted to the relevant road authority (Council or RMS) for approval prior to commencement of any works. The TMP shall:

- a) be prepared by a RMS accredited consultant.
- b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- c) if required, implement a public information campaign to inform any road changes well in advance of each change.

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.

28. A detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval prior to the commencement of any works. The CMP shall address:

- 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.
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - l) The construction of a stormwater easement and pipe system along the western boundary of the site from Edgehill Avenue to the rear of the site.
29. 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.
30. In order to ensure that the street trees proposed to be retained on the approved landscape plan are protected during construction, and their health and structural stability ensured, the following is required :
- a) A Consultant Arborist AQF Level 5 shall be engaged from site establishment to the post-construction period to erect tree protection zones and signage, inspect and advise on all works during the entire construction period, monitor tree health and to authorize and undertake tree canopy and root pruning where necessary only and to the minimum only so that the health or structural stability of the trees is not impacted;

- b) Trees to be retained during development are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan;
- c) Prior to commencing demolition/any works the trees are to be physically protected by fencing underneath the canopy dripline or as indicated in the Arborist's report using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete;
- d) 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;
- e) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails);
- f) 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;
- g) All Construction Certificate plans shall show trees to be protected and the TPZ;
- h) All TPZ's are a "No-Go" zone. There shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist;
- i) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage;
- j) Excavation within the canopy dripline or within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools to minimise root damage or disturbance and in accordance with the Arborists' report;
- k) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or the consulting Arborist after a site inspection so as not to unduly impact or stress the tree;
- l) It is the applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373;
- m) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services

- within the primary root zone or canopy of any tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning;
- n) All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination;
 - o) The applicant shall undertake any tree maintenance/remedial pruning as required by Council or the Consultant Arborist at the completion of construction;
31. 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.

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

32. Prior to the issue of the Construction Certificate development plans shall be submitted for the approval of certifying authority, that incorporate the following amendments:
- a) Additional privacy measures such as fixed timber louvres or similar shall be implemented to Unit No. 208 so as to minimise potential overlooking from the balcony and any habitable rooms to the adjoining nursing home; and
 - b) The paved seating area adjoining the common room shall be reduced and replaced with gardens (i.e. planter boxes) and turf as shown in red on the approved plans. Paved areas around the site shall be reduced wherever possible so as to increase the provision of site landscaping.
33. 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.
34. Prior to the issue of the Construction Certificate, an Acid Sulphate Soil Management Plan (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority. 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 sulphate soils as well as any measures relating to acid generation and acid neutralisation of the soil;

- b) Management of ASS affected excavated material;
- c) Measures taken to neutralise the acidity of any ASS affected material; and
- d) Run-off control measures for the ASS affected soil.

All recommendations of the report shall be implemented prior to the commencement of building works.

- 35. 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.
- 36. 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.
- 37. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
- 38. To ensure satisfactory performance of the completed external public infrastructure works, a maintenance period of twelve (12) months shall apply to all external engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date.

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond (referred to in Condition 2) in the form of a cash deposit or an unconditional Bank Guarantee of sixty thousand dollars (\$60,000) shall be lodged with Council prior to issue of the Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) month maintenance period.

- 39. Prior to the issue of the Construction Certificate, the landscape areas shown on the approved landscape plan prepared by Zenith Landscape Designs shall be the subject of detailed landscape construction documentation (plans and specifications) that are to be submitted to and approved by Council's Landscape Architect. The landscape documentation is to be prepared by a suitably qualified landscape architect, in accordance with the Botany Bay DCP 2013. The detailed (construction level) plan shall include, but not be limited to:

- a) A detailed planting plan at 1:100 scale showing all plant locations, centres, numbers and pot sizes. There is to be a dense 3-tier planting of trees, shrubs and groundcovers in all landscaped areas.
 - b) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls.
 - c) Areas of paving, schedule of materials, edge treatments and sectional construction details.
 - d) All fencing, privacy screening and pergolas – elevations and materials. The pergola structures located in the communal open space area to the southern boundary are to be detailed to ensure a high quality of design and construction materials.
 - e) Details of other landscape elements such as furniture, lighting, planter walls, in-situ masonry seating. Provide sectional construction details and elevations.
 - f) Planter box on slab and/or over basement sectional details. Planter box depths to be in accordance with Council's DCP and SEPP 65 which requires 900mm soil depth for planting trees.
 - g) Trees shall be used extensively throughout the site – private courtyards, through the centre of the site and in setbacks. Trees must be of an appropriate scale to ameliorate and soften buildings, provide a measure of screening and privacy and improve pedestrian and communal open space areas. Deep soil zones (boundaries and street setbacks) must include larger canopy trees to improve the public domain and ameliorate buildings. Trees to be predominantly native, evergreen species using open canopy evergreens and some selected deciduous for solar penetration.
 - h) The 'service strip' located in front of the low wall to Edgehill Avenue shall be extensively planted with a variety of small shrubs to ameliorate the appearance of the wall and enhance the development.
 - i) The proposed street trees located within the verge of Edgehill Avenue shall be large canopy trees as the overhead lines will be replaced with underground cables.
 - j) Larger canopy trees shall be planted along the eastern, western and southern property boundaries and the spacing between trees could be increased to 9 metres.
 - k) Additional trees shall be planted within the deep soil zone located between the townhouses and West Block.
 - l) The pavement area surrounding the communal room to the southern boundary shall be replaced with turf and landscaping.
40. A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to *'Do It Right On-Site' Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to the Certifying Authority

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

41. 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.
42. Prior to the issue of the Construction Certificate, a report shall be prepared by a qualified traffic engineer to assess any public safety issues that may arise from the location of the vehicle access to the development and provide recommendations for appropriate street calming measures to Edgehill Avenue.

Detailed plans for any proposed calming measures shall be submitted to Council for review and approval prior to the issue of the Construction Certificate, and all costs associated with the construction of these measures shall be borne by the developer.

43.
 - a) Prior to the issue of the Construction Certificate, the measures required in the Noise Impact Assessment Reference No. 20140080.1/1205A/R1/BW prepared by Acoustic Logic dated 12 May 2014 shall be undertaken in accordance with the provisions of *AS2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021-2000 shall be incorporated into the construction of the building.
 - b) Prior to the issue of the Construction Certificate, the measures required in the Wind Impact Assessment, Report prepared by Windtech, dated 4 March 2014 shall be detailed on the Construction Certificate plans.
44. 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.

45. Prior to the issue of the Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying Authority. The waste and recycling storage facilities 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) Waste arising from the development (when complete) is to be collected from the onsite service bay, the details of which are to be submitted with the Construction Certificate. No waste collection shall be carried out at Edgehill Avenue at any time.
46. 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 Certifying Authority prior to the issue of a Construction Certificate and its location and specifications endorsed on the construction drawings.
47. Prior to issue of the Construction Certificate, the new drainage easement along the western boundary of the site shall meet the following requirements:
- a) A pit and pipe system shall be designed to capture the runoff from Edgehill Ave catchment for minimum 1 in 20 ARI storm events, connecting existing stormwater drainage infrastructure on Edgehill Ave with the existing stormwater drainage infrastructure on Chelmsford Ave via the newly created drainage easements.
 - b) The start of the easement (adjacent to Edgehill Ave) shall have a surface level 200mm below the crest of the adjacent property entry driveway,
 - c) The surface level of the easement shall have a uniform fall gradient towards the new Council easement over SP72836 (25 Chelmsford Ave).
 - d) The detailed design shall be developed in conjunction with Council's Engineering Department and submitted to Council for review and approval prior to the issue of the Construction Certificate. The pipe system shall be constructed in accordance with the Construction Management Plan.

Note: Some of the easement is supported by a retaining structure. In order to retain overland flows, the height of the dwarf wall shall be designed to sit on top of the retaining structure to retain the flow of water within the easement (overtopping will not be permitted), and

Note: The pit and pipe system shall have uniform grades between any inlet and junction pits.

48. Prior to the issue of the Construction Certificate, detailed design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the 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, Sydney Water regulations and the BCA. All drawings shall correspond with the approved architectural plans.

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

- a) 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.
- b) Any stormwater discharge to Council's Kerb and Gutter is limited to 10L/s. If higher discharge is proposed, provision must be made to connect to Council's pit and pipe system.

Note: Maximum 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.

- c) 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,
- d) The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
- e) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater infiltration system,
- f) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment (e.g. Gross Pollutant Trap, (GPT)) prior to entering Council's drainage systems. As such, details of the pollution control device shall be shown on stormwater management plan,
- g) The rainwater tank size shall be minimum 10KL and designed based on a supply/demand management approach. In addition, please note that in order to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles, consideration can be given to offset the storage requirements of the OSD system provided that the rainwater tank for reuse and all downpipes are connected to the rainwater tank. The volume to be offset from the OSD system is equivalent to 50% of the size of the rainwater tanks, and
- h) Detail calculations including computer modelling (electronic and paper) shall be submitted demonstrating the adequacy of the stormwater management plan in fulfilling all requirements of Council's SMTG.

49. Prior to the issue of the Construction Certificate, detailed plans shall be submitted to and approved by Council and the Certifying Authority to demonstrate compliance with the following requirements:
- a) Provision of one (1) service bay within the basement level for the purpose of garbage collection, deliveries, removals, etc. The bay shall be designed in accordance with AS2890.2.
 - b) Demonstrate that a safe headroom clearance of 4.5m is achieved from the vehicular access along the proposed path of travel, parking and manoeuvring areas for a Medium Rigid Vehicle (MRV). Evidence to be provided shall include but not be limited to a longitudinal section.
 - c) The access driveway and vehicular access shall be redesigned where required to demonstrate compliance with Section 3.4 of AS 2890.2-2002.

Amended swept paths and architectural plans demonstrating compliance with this requirement shall be provided.

50. Prior to the issue of the Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2 and AS2890.6.
51. 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.
52. The development shall make provision for the following car parking allocations:

Car Parking Rates	Required
1 space per studio unit	2 spaces
1 space per 1 bedroom unit	32 spaces
2 spaces per 2 bedroom unit	92 spaces
2 spaces per 3 bedroom unit	18 spaces
1 visitor space per 7 dwellings	18 spaces
TOTAL REQUIRED	162

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

53. Prior to the issue of the Construction Certificate, the following documentation shall be submitted to Certifying Authority:

- a) Longitudinal sections along centreline of all the ramps between each basement parking levels;
- b) Design certification, prepared by a suitably qualified engineer, showing the longitudinal sections shall be designed in accordance with AS2890.1 (including gradients and gradient transitions).
- c) Design certification, prepared by a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying the car parking area shown on the construction plans includes the required sight lines for safety and has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6.
- d) Swept paths analysis shall be provided for the largest vehicle to access the site.
- e) A minimum of 2 disabled car parking spaces shall be provided and clearly marked as per AS 2890.6, SEPP 65 and Council's requirements.
- f) One separate car wash bay shall be provided to the development. The bay shall be a minimum of 3.5m wide and provided with the appropriate drainage system.
- g) Construction of a driveway crest to prevent the intrusion of stormwater runoff into the basement areas.
- h) The vehicle access/egress to Edgehill Avenue shall be restricted to left in/left out and appropriate directional signage shall be implemented to this effect.

Note: 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.

- 54. Prior to the issue of the Construction Certificate, subject to the approval of CASA, the applicant is to provide in the Construction Certificate documentation roof mounted solar collector panels to the rooftop area of each building, of which 20% of power generated shall be returned to the Ausgrid network together with tariff rebates. Details of the panel system are to be provided with the Construction Certificate including the approval from the Civil Aviation Safety Authority and the solar collectors system are to be installed before the issue of the Occupation Certificate.
- 55. Plans submitted with the Construction Certificate shall demonstrate compliance with the following:
 - a) All residential unit size excluding balconies as minimum must be as following:
 - i) Studio = 60m²
 - ii) 1 bedroom = 75m²
 - iii) 2 bedroom = 100m²
 - iv) 3 bedroom = 130m²

- b) Provision and allocation of car parking to the development shall be as follows:
 - i) Each studio/one (1) bedroom unit shall be allocated 1 car parking space;
 - ii) Each two (2)/ three (3) bedroom unit shall be allocated 2 car spaces;
 - iii) Eighteen (18) visitor car spaces shall be provided. Such spaces being located nearby the entrance to the development.
 - iv) One (1) separate car wash bay for the use of residents. The bay shall be a minimum of 3.5m wide and provided with the appropriate drainage system.
 - c) Adaptable units must be provided in accordance with Section 4C.6.1 of Botany Bay Development Control Plan 2013. Such units shall be designed in accordance with AS 4299 and BBDCP 2013 (Section 4C.6.1). Details to be submitted with the Construction Certificate.
 - d) Each balcony and outdoor courtyard shall provide a gas and water tap connection.
56. 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.
57. As this development involves an excavation below the water table these works are subject to a Council Drainage Charge for discharge of site dewatering to storm water. As such a formal application is to be submitted to Council prior to the issue of the Construction Certificate.

Council will not give permission for contaminated ground water to be discharged into its stormwater system. To discharge groundwater into the Council's stormwater system the applicant must supply the following:

- a) An Application to Council for permission to discharge water from site dewatering to Council's stormwater drainage system.
- b) A copy of a current bore license from the NSW Office of Water for dewatering.
- c) A report prepared by a suitably qualified person is to be provided together with results from a NATA approved laboratory confirming that the quality of the water meets the 95% freshwater trigger values applying to typically slightly-moderately disturbed systems as detailed in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand, Paper No 4, October 2000.
- d) If the groundwater is not suitable for direct disposal to the stormwater, any proposed treatment methods must be noted and accompanied by relevant documentation demonstrating the processes involved as well as engineering evidence of its applicability. (Note that Council reserves the right to refuse any proposed treatment methods. In the advent Council does not have the technical

expertise to review a treatment method an independent third party review may be requested. The proponent will be required to pay for these works.).

DURING WORKS

58. If the work involved in the construction of a building:

- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
- b) involves the enclosure of a public place:
 - i) a hoarding or fence must be erected between the work site and the public place.
 - ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s in the public place.
 - iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - v) Approval shall be obtained from Council prior to the erection of any hoarding at the property.

59. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;

- a) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - iii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.

60.

- a) All remediation work must be carried out in accordance with:
 - i) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - ii) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - iii) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - iv) Recommendations within the Site Audit Report, Remedial Action Plan, 15-19 Edgehill Avenue, Botany NSW (Audit No. RS014), prepared by Environ Australia Pty Ltd dated March 2014.
 - v) The Remedial Action Plan prepared by JBS&G, Ref No: 42380-51846 (Rev 2), dated 28 February 2014.
 - b) Any new information that comes to light during demolition, excavation, remediation and or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately;
 - c) 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.
61. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
62. Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
63. During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
64. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 65.
- a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.

- b) As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
 - iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.
- 66. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 67. 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.
- 68.
 - a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
 - b) Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-

street area where wash waters do not enter the stormwater system or enter Council's land;

- c) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
 - d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - e) During construction works the area in front of the premises and for the full width of the site, be maintained at all times and kept clean and tidy.
 - f) The operations of the site shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
 - g) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
69. The Development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions

- i) Monday to Friday 07:00am to 06:00pm;
 - ii) Saturday 08:00am to 4:00pm;
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
70. 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.
- 71.
- a) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed residential/recreational land use and not contaminated based upon analyses of the material.
 - b) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
 - c) Any soil disposed of offsite shall be classified in accordance with the procedures in the Department of Environment and Climate Change Waste Classification Guidelines (2008).
72. The following shall be complied with:
- a) The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual;
 - b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

- c) Vibration levels induced by the demolition and construction activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

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

- 73. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- 74. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans listed below a contribution of **\$1,780,000.00** is required as follows:
 - a) Community Facilities \$192,240.00
 - b) Administration \$7,120.00
 - c) Open Space & Recreation \$1,482,740.00
 - d) Transport Management \$97,900.00

The Section 94 Contribution of **\$1,780,000.00** is to be paid to Council prior to the issue of any Occupation Certificate.

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

- 75. 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 likely proposed site use.

The report shall be submitted to Council and the Principal Certifying Authority for review and concurrence. The report is to be submitted after completion of remediation works.

76. Prior to the issue of the Occupation Certificate, a Site Audit Statement (SAS) shall be completed by an accredited site auditor under the *Contaminated Land Management Act 1997* and shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development.

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

77.

- a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed in the Noise Impact Assessment Reference No. 20140080.1/1205A/R1/BW prepared by Acoustic Logic dated 12 May 2014, received by Council 13 May 2014; and
- b) All acoustic work including that acoustic work required by the report referenced in a) above shall be completed prior to the issue of the Occupation Certificate and validated by a person with appropriate qualifications and experience.

78.

- a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed by the Wind and Environment Statement, prepared by Windtech, dated 4 March 2014, received by Council 6 March 2014; and
- b) All wind mitigation measures required by the report referenced in a) above shall be completed and validated by a person with appropriate qualifications and experience.

79. Prior to the issue of the Occupation Certificate, a positive covenant under Section 88B of the Conveyancing Act 1919 shall be registered on the Title of the development site and for each residential unit within the development which:-

- a) Acknowledges that;
 - i) The land is within a 25-30 ANEF contour and the dwelling is therefore adversely affected by aircraft noise;
 - ii) The land is located in the vicinity of Port Botany and therefore is adversely affected by port noise;

- iii) The noise attenuation work does not extend to or include outdoor areas such as balconies, terraces and the like; and
 - b) Requires the Owner to maintain the noise attenuation measures implemented in the design and construction of the development; and
 - c) The terms of such positive covenant shall provide that it can only be varied by the City of Botany Bay.
80. Prior to the issue of the Occupation Certificate, the following works are to be completed:
- a) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting Edgehill Avenue in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate;
 - b) Provide appropriate and suitable street lighting to a high decorative standard to the street frontage of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements;
 - c) The public domain shall be upgraded with new footpath paving and street tree planting along the entire length of the site frontage, to be installed by the Applicant at the Applicant's expense in accordance with the approved landscape documentation. All improvements shall be in accordance with Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate;
 - d) New street trees shall be installed in the Edgehill Avenue verge in accordance with the approved landscape documentation plans. The trees shall be sourced from a reputable nursery/supplier that grows trees in accordance with the NATSPEC requirements. A Dial-Before-You-Dig enquiry is required prior planting - Council is not liable for any damage to subsurface infrastructure during public domain works. NOTE: Three (3) hold point inspections are required: during construction of tree pits, prior-planting street trees to ensure plant stock is suitable and post-planting to verify final finishes; and
 - e) A public footpath shall be constructed along the entire frontage of the site to Edgehill Avenue. The footpath dimensions, location, paver type and construction methods shall be in accordance with Council's specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:
 - i) at the commencement of paving works, and
 - ii) at final completion.
 - f) Reconstruct full width of the road asphalt adjacent to the development.

- g) Construct traffic calming devices within Edgehill Avenue as approved by Council. The proposed measures shall be to the satisfaction of Council's Engineering Department and constructed in accordance with Council's specifications.

Note: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks). No paver substitutes will be permitted.

Note: All public works shall be in accordance with the public domain improvements plan and the landscape and civil drawing approved by Council prior to the issue of the Construction Certificate.

Note: To ensure satisfactory performance of the completed external public infrastructure works, a maintenance period of twelve (12) months shall apply to all public domain works completed in relation to this application. The performance period shall commence from the issue date of the Final Occupation Certificate.

- 81. Plans submitted with the Occupation Certificate shall demonstrate compliance with the following:

- a) All residential unit size excluding balconies as minimum must be as following:
 - i) Studio = 60m²
 - ii) 1 bedroom = 75m²
 - iii) 2 bedroom = 100m²
 - iv) 3 bedroom = 130m²
- b) The 162 car parking spaces shall be made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate. Provision and allocation of car parking to the development shall be as follows:
 - i) Each studio/one (1) bedroom unit shall be allocated 1 car parking space;
 - ii) Each two (2)/ three (3) bedroom unit shall be allocated 2 car spaces;
 - iii) Eighteen (18) visitor car spaces shall be provided. Such spaces being located nearby the entrance to the development.
 - iv) One (1) separate car wash bay for the use of residents. The bay shall be a minimum of 3.5m wide and provided with the appropriate drainage system.
 - v) A minimum of 2 disabled car parking spaces shall be provided and clearly marked as per AS 2890.6, SEPP 65 and Council's requirements.

82. All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
83. Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval prior to the issue of the Construction Certificate.
84. Prior to the issue of the Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the car parking area has been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.
85. Prior to the issue of the Occupation Certificate:
 - a) the construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All downpipes shall be located within the property boundaries; and
 - b) documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
86. Prior to the issue of the Occupation Certificate, the following requirements shall be complied with:
 - a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
 - b) The crossing shall be able to accommodate the turning movement of Medium Rigid Vehicle (MRV) entering and leaving the site and at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
 - c) The redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.

- d) Written confirmation / completion certificate obtained from Council.
 - e) Inspection report (formwork and/or final) for the works on road reserve obtained from Council's engineer.
 - f) A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.
 - g) Driveways and vehicular access paths shall be designed and constructed to comply with the minimum requirements (including changes of grade) of AS/NZS 2890.1.
 - h) Construction of a driveway crest to prevent the intrusion of stormwater runoff into the basement areas.
 - i) The vehicle access/egress to Edgehill Avenue shall be restricted to left in/left out and appropriate directional signage shall be implemented to this effect.
87. The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 88.
- a) In order to ensure that the required on-site detention, infiltration and rainwater reuse systems will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built on-site detention, infiltration and rainwater reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention, infiltration and rainwater reuse systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
 - b) In order to ensure that the required pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built pump-out system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
 - c) To manage safe in and egress from the site a Positive Covenant under Section 88B/88E of the Conveyancing Act 1919, shall be created and registered on the subject land requiring the proprietor to limit the largest vehicle accessing the parking facility to Medium Rigid Vehicle only. The terms of the 88 E instruments shall be satisfactory to Council and Proof of registration at the Lands and

Property Information Office shall be submitted to the Principal Certifying Authority prior to occupation of the premises.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW.

89. Prior to the issue of the Occupation Certificate, the following shall be complied with:
- a) The following easements shall be created under Section 88B of the *Conveyancing Act 1919* in favor of Council as the benefiting authority:
 - i) Register a 1.50m wide Easement to “Drain Water” along the western boundary from Edgehill Avenue to the rear of the site, to enable the construction of new stormwater infrastructure and/or overland flow route.
 - ii) Dedicate 1.50m of the existing easement over SP 72836 to Council to “Drain Water”, to enable the construction of new stormwater infrastructure and/or overland flow route.
 - iii) The final wording of the instrument shall be agreed with Council and Proof of Registration shall be submitted to Council prior to the issue of the Occupation Certificate.
90. Landscaping shall be installed in accordance with the approved landscape plan 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 to Council’s satisfaction at all times.
- a) Planter boxes constructed over a concrete slab and/or over basement shall be built in accordance with the following requirements:
 - i) Ensure soil depths in accordance with Council’s DCP Part 3L. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;
 - ii) A concrete hob or haunch shall be constructed at the internal joint between the sides and base of the planter to contain drainage to within the planter;
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer’s directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;
 - iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an

imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns;

- v) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- b) 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;
- 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, and
- d) 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.

91. Prior to the issue of the Occupation Certificate:

- a) Lighting (lux) levels for this development must include the installation of low glare/high uniformity lighting levels in line with Australian Standard AS:1158. Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens). The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the premises.
- b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill; and,
- c) All lighting shall comply with AS4282-1997 Control of the obtrusive effects.

92. Prior to the issue of Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to certify that:

- a) All reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to; and
- b) All the structures are wholly located within the property boundary.

93. Any damage not shown in the dilapidation reports submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the Occupation Certificate.

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

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

95. 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.
96. The approved visitor spaces shall be made available to residents, staff and visitors to the site at all times and shall not be allocated to individual units, sold or leased or any other purpose.
97. The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
 - e) 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 9:00pm 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 the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 9:00pm one day and 7:00am the day following Monday to Sunday.

98. Any air conditioning units shall comply with the following requirements:

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - ii) Before 7 am or after 10 pm on any other day.
- c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors.
- d) Any air-conditioning unit shall comply with the City of Botany Bay's General Noise Criteria.

99. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes. A notice to this effect shall be displayed on all directory boards or notice boards, and shall be maintained at all times by the Owners Corporation.

100.

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