

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE173
DA Number	13/279/2
Local Government Area	City of Botany Bay
Proposed Development	Section 96(AA) Application to modify Development Consent No. 13/279 issued by the Land and Environment Court to amend Condition 31(b) relating to the provision of adaptable dwellings.
Street Address	39-47 Rhodes Street, Hillsdale
Applicant/Address	Krikis Tayler Architects/ PO Box 276, North Sydney, NSW 2059
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Section 96(AA) Application to modify a consent for an application previously determined by the Land and Environment Court
List of All Relevant s79C(1)(a) Matters	• List all of the relevant environmental planning instruments: s79C(1)(a)(i) - o State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development; - o Botany Bay Local Environmental Plan 2013; • List any relevant development control plan: s79C(1)(a)(iii); - o Botany Bay Development Control Plan 2013; • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv); - o Nil • List any coastal zone management plan: s79C(1)(a)(v) - o Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288; - o Nil
List all documents submitted with this report for the panel's consideration	1. Planning Assessment Report.
Recommendation	It is RECOMMENDED that the Sydney East Joint Regional Planning Panel (JRPP), as the Determining Authority resolve to modify Development Consent No. 13/279 under Section 96(AA) of

	the Environmental Planning and Assessment Act 1979 to: (a) Amend Condition No. 1 to include documentation submitted under the Section 96(AA) Application; (b) Amend Condition No. 31(b) to correctly reflect the number of approved adaptable dwellings; and, (c) Amend Condition No. 126 to include the Section 96(AA) Application.
Report by	Emma Bell – Senior Development Assessment Planner
Date of report	5 January 2016

EXECUTIVE SUMMARY

On 2 February 2015, the Land and Environment Court approved Integrated Development Application No. 13/279 at 39-47 Rhodes Street, Hillsdale, for the:

- Demolition of existing structures
- Construction of three (3) residential flat buildings with a total of 246 units
- Basement level car parking for 435 vehicles
- The development proposes a floor space ratio of 1.87:1
- The buildings have the following heights: Building A: 22.2 metres (seven (7) storeys); Building B: part 28.2 metres (nine (9) storeys) and part 16.2 metres (5 storeys); and Building C: 22.2 metres (seven (7) storeys).

A Section 96(AA) Application was submitted to Council on 28 August 2015 and seeks to modify Development Consent No. 13/279 issued by the Land and Environment Court to amend Condition 31(b) relating to the provision of adaptable dwellings at 39-47 Rhodes Street, Hillsdale.

Condition No. 31(b) currently reads as follows:

31(b) 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.

The issue with the above condition is that the application that was approved by the LEC was not assessed under BBDCP 2013. The report prepared for the development which was considered by the JRPP on 27 August 2014 makes reference to BBDCP 2013 but an assessment under BBDCP 2013 was not undertaken by the Council Officer.

The Council Officer relied upon the applicant's submitted plans and documentation which were prepared under DCP 35 (of which had been relied upon during the design of the development).

Whilst it is noted that the Development Application was lodged with Council one week after BBDCP 2013 was adopted by Council and in force with no savings provisions, the Condition in question being, No. 31(b) that was imposed upon the development did not reflect the Officer's assessment of the application and that was subsequently approved by the Land and Environment Court. An error occurred of Councils making.

In this regard it is considered that the proposed amendments are akin to a Section 96(1) Application, the application must be assessed under Section 96(AA) of the Act. It is recommended that Condition No. 31(b) be amended as follows:

31(b) Nine (9) Adaptable units must be provided in accordance with the approved plans and documentation. Such units shall be designed in accordance with AS 4299. Details to be submitted with the Construction Certificate.

It is considered that the proposed Section 96(AA) Application to modify Development Consent satisfies the provisions of the Act and the Section 96(AA) Application is recommended for approval for reasons discussed in this report.

SITE DESCRIPTION

The subject site is located on the western side of Rhodes Street and is known as 39 Rhodes Street and part of 47 Rhodes Street Hillsdale. The site is irregular in shape and is formed by the following three allotments legally known as SP 33080, Lot 2 DP 445433 and Lot B DP 445635, which make up a total site area of 11,747m².

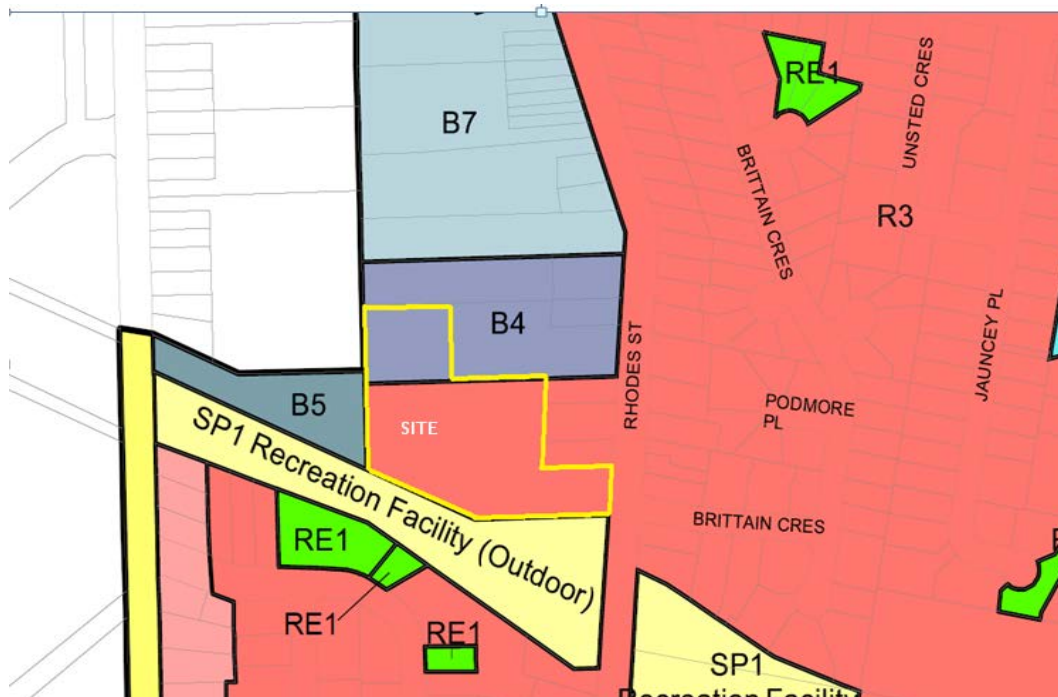
The site has a frontage of 28.53 metres to Rhodes Street and approximately 160 metres frontage to Grace Campbell Reserve to the south. 39 Rhodes Street is irregular in shape and forms an L shape and has a site area of 8,946m². The site includes the rear portion of 47 Rhodes Street, which was acquired by the developer from the adjoining Hillsdale Bowling Club and has an area of 2,801 m². The lot layout of the site results in 8,946m² of R3 zoned land (39 Rhodes Street) and 2,801m² of B4 zoned land (part of 47 Rhodes Street).

The site has a significant fall from Rhodes Street. The site falls approximately 8.3 metres from the north-eastern corner of the Rhodes Street frontage to the south-western corner of the site adjacent to Grace Campbell Reserve. The significant fall of the site is consistent with the topography of the adjacent Grace Campbell reserve.

39 Rhodes Street is affected by a sewerage easement and drainage easement which are located underneath the bitumen car park on the western end of the site. These easements generally run north to south across the site. The rear portion of 47 Rhodes Street is affected by an easement to drain water which is located towards the centre of the site and runs north to south.

The site is currently undergoing construction in accordance with Development Consent No. 13/279.

A locality map of the subject site is below:



DESCRIPTION OF SECTION 96(AA) APPLICATION

The Section 96(AA) Application to modify Development Consent No. 13/279 issued by the Land and Environment Court seeks to amend Condition 31(b) relating to the provision of adaptable dwellings at 39-47 Rhodes Street, Hillsdale.

Integrated Development Application No. 13/279 at 39-47 Rhodes Street, Hillsdale, was approved for the:

- Demolition of existing structures
- Construction of three (3) residential flat buildings with a total of 246 units
- Basement level car parking for 435 vehicles
- The development proposes a floor space ratio of 1.87:1
- The buildings have the following heights: Building A: 22.2 metres (seven (7) storeys); Building B: part 28.2 metres (nine (9) storeys) and part 16.2 metres (5 storeys); and Building C: 22.2 metres (seven (7) storeys).

The applicant provided the following description of the Section 96(AA) Application:

“Condition 31(b) relates to the provision of adaptable units within the development and it is requested that this condition be amended so as to remove any ambiguity from its wording and to confirm the requirement for the provision of 9 adaptable units so as to accord with the approved plans.

The development application for this project was submitted to Council on 24 December 2013 which was one week after the Botany Bay Development Control Plan 2013 came into effect. However, the design and drawings which were in preparation for several months were prepared on the basis of Development Control Plan No. 35. The Council report to the JRPP dated 17 August 2014 made reference to the number of adaptable units required on page 8 as follows:

Nine (9) of the apartments are proposed as adaptable, being 4 x 1 bedroom apartments, and 5 x 2 bedroom apartments. An access report prepared by Accessibility Solutions Pty Ltd has been submitted with the application to confirm compliance with the BCA and Botany Bay DCP.

This is in accordance with DCP 35, however Condition 31(b) makes reference to Section 4C.6.1 of DCP 2013 which is considered not to have been the intent. This conclusion is further supported with reference to the comments made in relation to adaptable housing in Council’s DCP assessment table on pages 46 and 53 of the report to JRPP. Also with the changes made to DCP 2013 in December 2014, there is ambiguity as to which version of Part 3C would be applicable should the current wording of the condition be retained.

It is further noted that Condition 39 of the consent requires a minimum of 9 disabled car parking spaces which is consistent with the requirements of DCP 35.

A detailed discussion of the proposed modification sought under the Section 96(AA) Application is provided below.

SECTION 96(AA) CONSIDERATIONS

(a) The provisions of any EPI, draft EPI and DCP and any other matters prescribed by the Regulations.

In considering the Section 96(AA) Application, the matters listed in Section 96(AA) of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report as follows:

Section 96(AA) of the EPA Act 1979 states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.

The changes to the consent relate to the Section 96(AA) Application to modify Development Consent No. 13/279. As discussed above, Condition No. 31(b) relating to the provision of adaptable dwellings at 39-47 Rhodes Street, Hillsdale.

Condition No. 31(b) currently reads as follows:

*31(b) 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. *

An excerpt of the planning report that was considered by the JRPP pertaining to the provision of adaptable dwellings for the development is below:

The development is designed as three separate buildings, labelled Building A, B and C. Each building contains the following apartments:

- *Building A – 53 units*
- *Building B – 113 units*
- *Building C – 80 units*

Nine (9) of the apartments are proposed as adaptable, being 4 x 1 bedroom apartments and 5 x 2 bedroom apartments. An Access Report prepared by Accessibility Solutions Pty Ltd has been submitted with the application to confirm compliance with the BCA and Botany Bay DCP. (page 8 & 9)

The compliance table contained in the report considered by the JRPP on 27 August 2013 with respect to the provision of adaptable housing is provided below:

Part	Control	Proposed	Complies
4C.6.1 Adaptable Housing	C3 - Disabled access to all common areas shall be provided even if the development has less than five (5) dwellings and does not contain an adaptable dwelling. C 4 - Where a development includes five (5) or more dwellings at least one (1) dwelling must be constructed to meet either Class A or B adaptable housing standards under AS 4299-1995 Adaptable Housing.	The application is supported by an Access Report prepared by Accessibility Solutions Pty Ltd, which confirms that 9 adaptable units are proposed.	Yes

As demonstrated above, the table makes reference to BBDCP 2013 (Part 4C.6.1) but the assessment criteria listed in the table is erroneous and does not relate to BBDC 2013. However, the Officer has stated that the applicant has lodged an Access Report and the development provides 9 adaptable dwellings. The provision of the 9 adaptable dwellings is carried out throughout the entire report and also in conditions relating to car parking being provided for the development as follows:

Condition No. 39 currently reads as follows:

Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:

- a) *A minimum 9 disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and*
- b) *All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.*

In this regard it is recommended that Condition No. 31(b) be amended to reflect the actual assessment of the development that was undertaken, and to correlate correctly with Condition 39 (above) for the provision of disabled car parking as follows:

31(b) *Nine (9) Adaptable units must be provided in accordance with the approved plans and documentation. Such units shall be designed in accordance with AS 4299. Details to be submitted with the Construction Certificate.*

It is considered that the proposed Section 96(AA) Application to modify Development Consent satisfies the above provisions of the Act and the Section 96(AA) Application is recommended for approval.

- (b) **The likely impacts of the development including environmental impacts on both the natural and built environments, social and economic impacts in the locality.**

These matters have been considered in the assessment of the Section 96(AA) Application. It is considered that the proposed amendment will have no significant adverse environmental, social or economic impacts on the locality.

(c) The suitability of the site for the development.

These matters have been considered in the assessment of the Section 96(AA) Application. It is considered that the proposed amendment is suitable in the context of the site and the locality.

(d) Any submission made in accordance with the Act or Regulations.

These matters have been considered in the assessment of the development application. In accordance with the Botany Bay Development Control Plan 2013 Part 2 – Notification and Advertising, the development application was notified to adjoining property owners and in the local newspaper for a fourteen (14) day period 23 September 2015 until 7 October 2015. No submissions were received in response.

(e) The public interest.

These matters have been considered in the assessment of the Section 96(AA) Application. It is considered that approval of the proposed amendment will have no significant adverse impact upon the public interest.

Conclusion

The Section 96(AA) Application to seeks to modify Development Consent No 13/279/2 to issued by the Land and Environment Court to amend Condition 31(b) relating to the provision of adaptable dwellings.

The proposed modification application has been notified in accordance with the Regulations and Part 2 of BBDCP 2013. No submissions have been received.

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

RECOMMENDATION

It is RECOMMENDED that the Sydney East Joint Regional Planning Panel (JRPP), as the Determining Authority resolve to modify Development Consent No. 13/279 under Section 96(AA) of the Environmental Planning and Assessment Act 1979 to:

- (a) Amend Condition No. 1 to include documentation submitted under the Section 96(AA) Application;
- (b) Amend Condition No. 31(b) to correctly reflect the number of approved adaptable dwellings; and,
- (c) Amend Condition No. 126 to include the Section 96(AA) Application.

Premises: 39-47 Rhodes Street, Hillsdale

DA No: 13/279/2

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Drawing No.	Author	Dated
Basement 2	Krikis Tayler Architects	18 November 2014
Basement 1	Krikis Tayler Architects	18 November 2014
Lower ground 2	Krikis Tayler Architects	18 November 2014
Lower ground 1	Krikis Tayler Architects	18 November 2014
Ground level	Krikis Tayler Architects	18 November 2014
Level 1	Krikis Tayler Architects	18 November 2014

Level 2	Krikis Tayler Architects	18 November 2014
Level 3	Krikis Tayler Architects	18 November 2014
Level 4	Krikis Tayler Architects	18 November 2014
Level 5	Krikis Tayler Architects	18 November 2014
Level 6	Krikis Tayler Architects	18 November 2014
Roof plan	Krikis Tayler Architects	18 November 2014
Elevations 1	Krikis Tayler Architects	18 November 2014
Elevations 2	Krikis Tayler Architects	18 November 2014
Section A-A & Section B-B	Krikis Tayler Architects	18 November 2014
Shadow diagrams – equinox	Krikis Tayler Architects	18 November 2014
Shadow diagrams – winter	Krikis Tayler Architects	18 November 2014
Shadow diagrams – summer	Krikis Tayler Architects	18 November 2014
Material board	Krikis Tayler Architects	18 November 2014
Stormwater concept drawings	Australian Consulting Engineers Pty Ltd	10 April 2014

Reference Document(s)	Author	Dated
Statement of Environmental Effects Amended	LJB Urban Planning Pty Limited	23 December 2013
Clause 4.6 Exceptions to	LJB Urban Planning	28 January

Development Standards Report	Pty Limited	2014, revised 19 November 2014
Design Verification Statement – SEPP 65	Krikis Tayler Architects	18 December 2013
Survey Plan	H Ramsay Surveyors	23 May 2013
BASIC Certificate 519697M	SLR Consulting	18 December 2013
Acoustic Report, Report No. 5290-1-1R	Day Design	23 December 2013
Additional Noise Monitoring 5290-2-1L	Day Design	14 July 2014
Preliminary Risk Assessment	Bow-tie consulting	10 July 2014
QS Report – Grace Campbell Reserve	Washington Brown	28 July 2014
Drains Model & Results, 130816.Drain1	Australian Consulting Engineers Pty Ltd	9 May 2013
Flood Impact Assessment	Cardno	18 December 2013
DA Landscape Report	Iscape Landscaping	December 2013
Access Report	Accessibility Solutions	23 December 2013
Detailed Cost Report	MMD Construction Consultants	19 December 2013
Remediation Action Plan Ref E1958.1 AB	Environmental Investigations Pty Ltd	7 November 2013
BCA Report	Barry Johnson & Associates	12 May 2014
Traffic Impact Assessment Report ref	Thompson Stanbury Associates	December 2013

13-148		
Construction Waste Management Plan	Toplace Pty Ltd	12 December 2013
Geotechnical Investigation, Report No. 2239-A	Asset Geotechnical Engineering Pty Ltd	27 September 2013
Environment Site Assessment Report Ref E1958AA	Environmental Investigations Pty Ltd	31 October 2013
Residential Water Management Plan	Elephants Foot Recycling Solutions	19 December 2013
Pedestrian Wind Environment Statement WB862-01F02 (Rev 1)	Windtech	20 December 2013
Section 96 Statement	KTA	28 August 2015

(DA 13/279/2)

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

2. The applicant must prior to the issue of the Construction Certificate, pay the following fees:
 - a) Builders Security Deposit \$50,000.00;
 - b) Development Control \$11,011.00;
 - c) Waste Contribution \$25,000.00;
3.
 - a) This Consent relates to land in SP 33080 and Lot 1 DP 1200144, and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required and as otherwise permitted by this consent; and
 - b) Prior to the issue of the Occupation Certificate, a survey report must be submitted to Council to verify that Condition 3(a) above has been complied with.
4. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

- i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.
- a) Note:

Relevant BASIX Certificate means:

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

7. Public Domain Works and Voluntary Planning Agreement

In accordance with the letter dated 28 January 2015, the applicant and the landowner are to enter into a Voluntary Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 with Botany Bay Council to undertake the public domain works within Grace Campbell Reserve. The Voluntary Planning Agreement is to be entered into, prior to the issue of any Construction Certificate which includes above ground works, or as otherwise agreed by the General Manager. The works the subject of the Voluntary Planning Agreement are to be carried out and completed prior to the issue of any Occupation Certificate. The Concept Landscape plans prepared by Iscape Landscape Architect (drawing no. 96.15 (14) 034 "A" Revision A dated 28.01.15) is to be amended as follows, prior to the issue of any Construction Certificate which includes above ground works:

- A replacement timber post & rail fence to match existing, to be provided on the Denison Street & Rhodes Street frontages to Grace Campbell Reserve. Gates are to be provided by Council.
 - The Kunzea on the eastern boundary of property at 23 Grace Campbell Crescent to be deleted and the Banksia trees retained.
8. Any masonry boundary fence/walls or retaining wall across the street frontage or southern boundary of the property adjoining trees shall be of piered or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted in these areas. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.

To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

The existing boundary fences surrounding the rear and side boundaries of the property shall be replaced with lapped and capped timber or similar to Council's satisfaction to a height of 1.8m, but not forward of the street building alignment. A steel palisade fence, powdercoated in a dark colour shall be installed for a portion of the southern boundary fronting Rhodes Reserve in alignment with the communal open space area.

Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements :

- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
- b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
- d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip

irrigation including to lawns.

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

Fire booster assemblies are to be located within the external face of the building structure and not within the landscaped setback or near entries to the property. If this cannot be achieved, the assembly must be housed within a decorative structure for screening purposes. The location of, and screening treatment of this utility is to be approved by Council's Landscape Architect prior installation.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 9. The following condition is imposed by Ausgrid and is to be complied with:

Provision shall be made for accommodation for an electricity substation within the premises.

- 10. The following condition is imposed by Sydney Water and is to be complied with:

Water

- a) The site has a frontage to a DN 150 water main located on the eastern side of Rhodes Street that can provide for the domestic needs of the development.
- b) The size of the development will need a connection larger than the standard domestic 20mm size.
- c) To get approval for the connection, the proponent will need to lodge an application with a Quick Check agent.

Wastewater

- d) The proposed development is traversed by a 450mm waste water main with an easement for Drainage'
- e) This easement cannot be removed or modified without Sydney water's approval including: landscaping, earthworks, road works or stacking of materials on the easement.
- f) The proposed development is also traversed by a 300mm water main on the sites western boundary
- g) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets. The proponent should refer to a Water Servicing Coordinator for details of requirements.

Sydney Water Servicing

- h) Sydney Water does not allow any buildings or permanent structures to be built over the stormwater channel or within 1 metre from outside face of the stormwater channel or within easement. The proponent must ensure there are no buildings or permanent structures over or within 1 metre from Sydney Water's stormwater asset. Permanent structures include, but are not limited to; roof eaves, hanging balconies, basement parking, hanging staircases, detention tanks, stormwater pits or similar structures

Flood impact assessment

- i) The proponent is required to undertake a flood study to ascertain the impacts of flooding on the proposed development, and the impacts of the proposed development on the local flood regime.
- j) The following outcomes are to be clearly demonstrated in the flood study as a result of the development:
 - i) No adverse impact on flood behaviour
 - ii) No loss in flood plain storage within the site; and
 - iii) No increase in the frequency or degree of inundation of properties upstream or downstream.
- k) In addition to above, the flood study should identify areas of the site that should be kept clear to provide appropriate and effective overbank flow paths during major stormwater events and identify appropriate flood hazard minimisation/isolation and damage reduction measures (e.g. floor level control).
- l) Once an initial flood study has identified the nature of the local flooding, further detail assessment of the proposed development be undertaken.

Direct Stormwater Connection

- m) Sydney Water would not object for any direct stormwater connection to Sydney Water's stormwater system provided they comply with the Sydney Water's connection requirements
- n) On site Detention and water quality improvements Devices are to be provide as part of the connection process.
- o) The stormwater connection is to be part of the Section 73 application process for this development and required to follow the Asset Creation process. The connection details are to be drawn in AutoCad form water and given to Water Servicing Coordinator. Water Servicing Coordinator is required to transfer these drawings onto Sydney Water's template prior to submit as design drawings.
- p) If the proposed connection size is equal or more than 300mm, then the actual connection details are to be designed by a qualified structural engineer and the structural engineers certificate is to be attached with design drawing.

On Site Detention

- q) On Site Detention is required for direct stormwater connection to Sydney Water's stormwater system. In order to calculate the required On Site Detention and Permissible site discharge, the following details are to be given to Sydney Water:
 - i) Total site area
 - ii) Pre development impervious area
 - iii) Post development impervious area

Water Quality Improvement Device

- r) Direct connections to Sydney Water's stormwater channels are also required to meet contemporary stormwater quality targets. A WSUD Strategy and MUSIC Model must be prepared and submitted to Sydney Water for the development. The MUSIC Model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA).
 - s) Sydney Water's requirements are that the water quality improvement should meet the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.
11. The following conditions are imposed by the NSW Roads and Maritime Service (RMS).
- a) Off street parking shall be designed and constructed in accordance with AS 2890.1-2004.
 - b) All works associated with the proposed development shall be at no cost to RMS.
12. The following conditions form the General Terms of Approval by the NSW Office of Water and must be complied with:

General and Administrative Issues.

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

Prior to Excavation

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

During Excavation

- j) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- k) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

- l) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- m) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- n) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- o) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

- p) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.
13. The following conditions are imposed by the NSW Police Service:
- a) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
 - b) The CCTV system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise. Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas. One or more cameras should be strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance);
 - c) Any proposed landscaping and vegetation should adhere to the following principles:
 - d) Shrubs bushes, plants should remain under 900mm in height;
 - e) Branches or large trees should start at a height of two (2) metres and higher;

- f) This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
 - g) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime;
 - h) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.
14. The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:
- a) The PROPERTY DEVELOPMENT at 39 RHODES STREET HILLSDALE 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 43.6 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.

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

- 15. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
- 16. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

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

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

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

- 18. Additional sampling at depth in natural soil shall be undertaken at each sampling location where this has not been completed 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 Stage 2 Detailed Site Investigation "*Environmental Site Assessment-39 Rhodes Street, Hillsdale NSW* (Report No. E1958AA) completed by Environmental Investigations dated 31 October 2013" shall be amended by a suitably qualified and experienced environmental consultant and shall be provided to the Principal Certifying Authority and the Council for approval prior to the issue of the Construction

Certificate.

Approvals from appropriate government departments where required shall be obtained and full details of the investigation are to be submitted to and approved by Botany Bay City Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the proposed development.

19. Following the additional sampling of natural and fill soil at depth, the Stage 3 – Remedial Action Plan (RAP) “*Remediation Action Plan – 39 Rhodes Street, Hillsdale NSW* (Report No. E1958.1AB) completed by Environmental Investigations dated 7 November 2013” shall be amended as required by a suitably qualified and experienced contaminated land consultant and in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’; and
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The amended RAP shall incorporate all findings and recommendations in the Phase1 Preliminary Site Assessment and the amended Phase 2 Detailed Site Assessment for the site, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed residential use.

The RAP shall be submitted to Council for review and approval prior to the commencement of any remedial action and prior to the issue of a construction certificate.

20. Should any excavation occur at a level equivalent to 7m below existing ground level at the lowest point of the site an Acid Sulfate Soils Management Plan (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:
 - a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - b) Management of acid sulfate soil affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate soil affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.

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

21. 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.
22. 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.
- 23.
- a) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
 - b) The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner part of the basement;
 - c) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 “Access for People with Disabilities” and Australian Standard AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. This requirement shall be reflected on the Construction Certificate plans.
 - d) Prior to the issue of a Construction Certificate, the construction drawings shall indicate the following:
 - i) That water will be prevented from penetrating behind fittings/linings and into concealed spaces in laundry, sanitary areas and bathrooms etc;
 - ii) That floor to ceiling in laundry and bathroom areas to be tiled;
 - iii) That plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.
24. Prior to the issue of the Construction Certificate, the measures required in the Pedestrian Wind Environment Assessment, Report No. WB862-01F02 (Rev 1) prepared by Windtech Consultants Pty Ltd shall be detailed on the Construction Certificate plans. These shall include additional wind mitigation treatments to exposed south west facing balconies.
- 25.
- a) Prior to the issue of the Construction Certificate, the measures required in the Acoustic Report: Report No. 5290-1-1R, prepared by Day Design dated 23 December 2013, and the measures required in the Additional Noise Monitoring report prepared by Day Design, dated 14 July 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 buildings; and

- b) Prior to the issue of the Construction Certificate, a compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating any required noise mitigation measures to the approved development, as detailed in the NSW Road Noise Policy 2011 in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion;
 - c) Prior to the issue of the Construction Certificate all units will have an air conditioning system installed in accordance with BASIX's Certificate and Construction Certificate AS 1668 Part 2 and further external air conditioning unit is not to be visible from a public vantage point. Details submitted with the Construction Certificate in the form of amended plans.
26. Prior to the issue of the Construction Certificate, a Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements, including appropriate connections, correctly sized amplifications, procurement of trade waste agreements, where necessary, and the payment of developer charges.
- Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.
27. Plans and specifications for the storage room for waste and recyclable materials to allow for on site waste and recyclable collection shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
- a) The rooms for the storage of garbage and recyclable materials shall be:
 - i) fully enclosed;
 - ii) adequately ventilated;
 - iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
 - v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
 - b) The area can be serviced easily accessed and serviced by a garbage truck or MRV.
28. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain

access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate and its location and specifications endorsed on the construction drawings.

29. Prior to the issue of the Construction Certificate:

- a) The public areas of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards and historic photographs of the Botany Local Government Area etc;
- b) The details of interior design required by Condition 29(a) above are to be included with the Construction Certificate;

30. The Applicant is to submit payment for a Tree Preservation Bond of \$20,000.00 to ensure protection of the 2 mature and significant street trees and the line of existing trees adjoining the southern boundary from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If a tree was found to be in decline, damaged (including roots), dead or pruned without Council permission or, if tree protection measures were not satisfied at any time, then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.

The landscape areas shown on the plan by iScape dated December 2013 shall be the subject of amended landscape construction documentation to be submitted to and approved by the City of Botany Bay Council's Landscape Architect. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's DCP. The detailed (construction level) plan shall include, but not be limited to:

- a) Specifications detailing soil and mulch finishes, irrigation, edging and other landscape hardworks such as retaining walls. Details of hard landscape elements such as furniture, seating walls, lighting etc.
- b) Areas of paving, schedule of materials, edge treatments and sectional construction details. Planter box finishes.
- c) All fencing, privacy screening and pergolas – construction details, elevations and materials. The pergola over the BBQ area is to be fully detailed for approval by Council prior construction.
- d) Planter box on slab sectional details, where provided. Planter box depths to be in accordance with Council's DCP and the conditions of this consent.
- e) The deciduous trees on the boundaries of the site shall be replaced with an adequate number of evergreen species to suitably screen adjoining industrial properties. As these areas are deep soil medium sized trees are to be specified.
- f) Gordonia shall be reduced in number and substituted for a suitable evergreen that

grows well in the Botany area and has a fuller canopy such as Tuckeroo, Native Frangipanni, Lillypilly.

- g) The density of private patio shrubbery shall be increased to 0.75m centres minimum.
 - h) The communal deep soil area is to comprise a mixture or variety of tree species and heights - primarily evergreens but is to include some broader leaved evergreens eg. Native Frangipanni and some selected medium sized deciduous for colour and interest. Smaller Eucalypts suited to the local area such as E. maculata, Dwarf Gum and E. haemastoma may be used. E. pilularis is not suitable.
 - i) The trees on the northern and western property boundaries should be denser to adequately screen adjoining properties and land uses.
 - j) L. laevigatum to be replaced with L. petersonii or similar.
 - k) A larger pot size Native Frangipanni is required for the street setback ie. 200 litre or greater.
 - l) The playground area is to be designed and constructed in accordance with Australian Standards.
31. 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
 - b) ***Nine (9) Adaptable units must be provided in accordance with the approved plans and documentation. Such units shall be designed in accordance with AS 4299. Details to be submitted with the Construction Certificate. (DA 13/279/2)***
32. 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.
33. The development shall make provision for the following car parking allocations:

Car Parking Rates	Required
1 space per studio and 1 bedroom units	75 spaces
2 spaces per 2 or 3 bedroom units	294 spaces

1 visitor space per 5 dwellings	45 spaces
TOTAL REQUIRED	414

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.

34. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

35. A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:
- 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,
 - The proposed phases of construction works on the site and the expected duration of each construction phase,
 - 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,
 - The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - 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,
 - The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,

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

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

36. A detailed Traffic Management Plan for the pedestrian and traffic management of the site and Rhodes St during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan 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.
 - d) Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
 - e) During construction, all works and measures shall be implemented in accordance with approved Traffic Management Plan at all times.
37. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements,
 - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure,
 - c) The applicant shall provide 369 resident carparking spaces that must be clearly linemarked and signposted,
 - d) The applicant shall provide 45 visitor carparking spaces that must be clearly linemarked and signposted,

- e) A minimum of four (4), 3.5m wide carwash bay with the appropriate drainage systems shall be provided for resident use as per the Traffic Impact Assessment Report by Thompson Stanbury Associates, and
 - f) A minimum of six (6) storage racks capable of accommodating 12 bicycles as per the Traffic Impact Assessment Report by Thompson Stanbury Associates.
38. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) All service vehicles shall enter the property front in front out. This includes Council's garbage collection service and off street removalist vehicle parking, and
 - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.
39. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) A minimum 9 disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
 - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
40. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Stormwater Culvert traversing the development site. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
 - c) Distance from the manholes shall be accurately measured, and
 - d) The inspection survey shall be conducted from manhole to manhole.
- The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
41. To ensure that utility authorities and Council are advised of any effects to their

infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
- b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, 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.
- c) As part of this development, part of the existing Sydney Water sewer main shall be decommissioned and a new connecting sewer main shall be constructed. The location and properties of the new sewer main shall be confirmed with Sydney Water and Council prior to the issue of the Construction Certificate.
- d) Any interallotment stormwater drainage system traversing the site shall be either maintained or relocated with the approval of the beneficiary and Council.
- e) Two (2) new access pits on opposite sides of the development site shall be constructed over the existing Sydney Water stormwater infrastructure. The new pits shall have min 900mm diameter opening with trafficable bolt down lids and steps as per Council's Infrastructure Specifications.

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

42. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority 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 provisions made in the stormwater concept drawings D00 – D13, by Australian Consulting Engineers, dated December 2013,
- b) The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition.

- 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 detention 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 Sydney Water’s and Council drainage system. As such, details of the pollution control device shall be shown on stormwater management plan,
 - g) The underground rainwater tank size shall be 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,
 - h) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site,
 - i) The on-site detention and water quality improvement devices are to be provided to Sydney Water as part of the connection process. The stormwater connection is to be part of the Section 73 application process for the development and required to follow the Asset Creation Process. The connection details are to be drawn in AutoCad format and given to Water Servicing Coordinator. Water Servicing Coordinator is required to transfer these drawings on to the Sydney Water’s template prior to submit as design drawings. If the proposed connection size is equal or greater than 300mm, then the actual connection details are to be designed by a qualified structural engineer and the structural engineer’s certificate is to be attached with the design drawing, and
 - j) A WSUD Strategy and MUSIC model must be prepared and submitted to Council and Sydney Water for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney’s Water’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.
43. Prior to the issue of the any Occupation Certificate, the following easements shall be created in conjunction with Council and the beneficiary:
- a) Register a new 4.57m wide Easement for Sewerage Purposes” over the new sewer main in conjunction with Sydney Water and Council, and

- b) Register a new 2.44m wide Easement(s) to Drain Water” over any new inter allotment stormwater infrastructure and/or overland flow route in conjunction with the beneficiary(ies) of easement X757885 and Council.
44. Prior to issue of any Construction Certificate, the following measures shall be provided within the Construction Certificate documentation with respect to noise attenuation/treatment of the building/s in accordance with the criteria listed within this condition:
- a) As per the measures Referenced in the Day Design Noise Acoustic report dated 23 December 2013 and the Additional Noise Monitoring report dated 14 July 2014.
 - b) The development shall be designed and constructed taking into account the requirements for effective sound insulation against external noise intrusion from industrial sources, associated land and water based Port Botany activities, and satisfies an internal sound pressure level less than LA_{max} 50dBA, with the doors and windows closed.

CRITERIA

- i) A detailed impact assessment of noise from industrial sources, associated land and water based Port Botany activities and as well as fixed industrial land uses within 500 metres, shall be conducted by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership prior to the issue of construction certificate to determine acoustic treatments required to ensure noise from these sources does not exceed the relevant Conditions of Consent. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
- c) The development shall be designed and constructed taking into account the requirements for effective sound insulation for mechanical plant/equipment installed and operated on the development, and
 - i) shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property, external apartment balcony or external apartment window greater than 5dBA above the existing background LA₉₀ level (in the absence of the noise under consideration).
 - ii) shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property, external apartment balcony or external apartment window that exceeds LA_{eq} 50dBA daytime and LA_{eq} 40dBA nighttime.
 - iii) shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any commercial/industrial premises that exceeds LA_{eq} 65dBA.

For assessment purposes the LA_{eq} levels referenced above in sub-clauses i), ii) and iii) shall be assessed over a 15 minute period and adjusted in accordance with procedures referenced in the NSW Industrial Noise Policy for tonality, frequency

weighting, impulsive characteristics, fluctuation and temporal content where necessary.

CRITERIA

- iv) A detailed noise impact assessment shall be conducted by a suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership prior to the issue of construction certificate to determine acoustic treatments required to ensure that noise from mechanical plant/equipment systems installed and operated on the development does not exceed the relevant Conditions of Consent. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
 - d) Prior to any field acoustic compliance testing of internal walls and floors a report shall be provided to the testing Acoustic Engineering certifying that all internal walls and floors within the development are constructed in accordance with the details submitted the documentation provided for the Construction Certificate. Any variations to the Construction Certificate approved documentation shall be approved by the Principal Certifying authority and identified in the report.
45. A Tree Preservation Order applies to all existing trees on Council's nature strip and in the park adjoining the southern boundary line, accordingly they are required to be retained and protected. In order to ensure that the 2 x *Eucalyptus maculata* and *Eucalyptus microcorys* situated on the road verge fronting the property and the row of Paperbarks located adjoining the southern boundary and within the park are protected during construction, and its health and structural stability ensured, the following is required:
- a) Prior to commencing demolition the trees are to be physically protected by erecting fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete.
 - b) If there is insufficient space to erect fencing on the property boundary side of the park trees, 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).
 - c) Before any works commence on the site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
 - d) All detailed Construction Certificate plans shall show all trees to be protected and the TPZ.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT AT WORK

46. All management measures recommended and contained within the Soil and Water Management Plan (SWMP) submitted as part of the construction certificate shall be

implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.

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

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

48. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
49. Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
50. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

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

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

51. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate:
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
 - c) Permit for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve

- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
- f) Permit to place skip/waste bin on footpath and/or nature strip
- g) Permit to use any part of Council's road reserve or other Council lands
- h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area

(It should be noted that the issue of such permits may involve approval from RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

- i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

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

52.

- a) Erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - iii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.

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

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone

- number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - e) any such sign is to be removed when the work has been completed.
54. 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.
55. During 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.
56. 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.
57. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or

excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

58. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

DURING WORKS

59. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
60. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation
 - d) DECC Waste Classification Guidelines 2008.
61. 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.
62. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan; and
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
63. During Demolition, Excavation, Construction and any associated deliveries activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles

(including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

64. All remediation work must be carried out in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
65. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to the construction certificate including:
 - a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
66. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system.

If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.
67. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Office of Environment and Heritage (OEH) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.
68. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
 - a) Office of Environment and Heritage (OEH) approved guidelines; and

- b) Protection of the Environment Operations Act 1997; and
- c) c) Protection of the Environment Operations (Waste) Regulation 2005.

All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

69.

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) 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;
- f) 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;
- g) 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;
- h) 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.

- 70. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage

caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

71. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
72. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 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 the 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;

Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

If the soil conditions required it:

- d) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - e) Adequate provision must be made for drainage.
73. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
74. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Construction Management Plan at all times.
75. If the work involved in the construction of a building:
 - a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - b) involves the enclosure of a public place:

- i) a hoarding or fence must be erected between the work site and the public place.
 - ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
 - iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
76. 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.
77. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
78. During 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.
79. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 80.
- a) 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.
 - b) 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.
81. 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.
82. The Development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise

- i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
- b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm;
 - ii) Saturday 08:00am to 04:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
- d) Silencing

All possible steps should be taken to silence construction site equipment.

- 83. During 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.
- 84. 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.
- 85.
 - 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).

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

86. 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 a contribution of \$4,341,050.00 is payable.

The Section 94 Contribution of \$4,341,050.00 is to be paid to Council prior to the issue of an Occupation Certificate.

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

87. The public domain works within Grace Campbell Reserve as listed under the Voluntary Planning Agreement must be completed prior to the issue of an Occupation Certificate.
88. (i) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
- (ii) Prior to the issue of the occupation certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building.
- (iii) Where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
89. 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 the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority for review and concurrence). The report is to be submitted after completion of remediation works.

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

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

91.

- a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed in the Acoustic Report, prepared by Day Design dated 23 December 2013.
- b) All acoustic work including that acoustic work required at Condition No. 26 shall be completed prior to the issue of the Occupation Certificate and validated by a person with appropriate qualifications and experience.

92. Prior to the issue of the Occupation Certificate, the following is to be complied with:

- a) Replace all the existing above ground electricity and telecommunication cables to underground cables that adjoin the site and road reserve area fronting Rhodes Street in accordance with the guidelines and requirements of the relevant utility authorities and Ausgrid. The applicant shall bear all the cost of the construction and installation of the below ground cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and

93. The applicant is to submit payment for a Public Works Defects Liability Bond of \$15,000.00. The duration of the Bond shall be limited to a period of 12 months after final Council approval of all public domain works. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection of the public domain work by Council. If rectification or maintenance work is required in this period then Council will forfeit all or part of the bond to undertake the required work.

94.

- a) A total of 414 car parking spaces shall be provided for within the development. Resident parking spaces shall made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate;
- b) Allocation of the car parking shall be as follows:

Car Parking Rates	Required
1 space per studio and 1 bedroom units	75 spaces
2 spaces per 2 or 3 bedroom units	294 spaces
1 visitor space per 5 dwellings	45 spaces
TOTAL REQUIRED	414

95. 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.
96. Prior to the issue of the Occupation Certificate, 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.
97. 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 areas, driveways entrances and egresses have 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.
98. The following shall be complied with prior to the issue of the Occupation Certificate:
 - a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
 - b) The crossing shall be able to accommodate the turning movement of Heavy Rigid Vehicle (HRV) entering and leaving the site and at 90o 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.
99. Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
- a) All reduced levels shown upon the approved plans, with relation to the required solar panels, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - b) A Floor Space Ratio (FSR) of 1.87:1 and height of 43.10m AHD for Building B (west), 37.80 AHD for Building B East, 37.10 AHD for Building A and 37.30 AHD for Building C, as approved under this Development Consent No. 13/279, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.
 - c) The development as built, stands within SP 33080, Lot 1 DP 1200144.
100. 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.
101. 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; 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) accepted practice and the construction standard referred to in Condition 102(a) above.
102. Prior to the issue of the Occupation Certificate, landscaping within the private property shall be installed in accordance with the landscape plans by Iscape Landscape

Architecture Landscape Plans Ref 13/506 dated December 2013.

103. 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.
104. Prior to the issue of an Occupation Certificate, planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter;
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns; and
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
105. Prior to the issue of the Occupation Certificate, to ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
106. Any air conditioning units shall comply with the following requirements:
 - a) 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.

107. Photographic Survey After Works

Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

108. CCTV Report of Council's Drainage System After Completion of Works

At the completion of all construction works, a qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Stormwater Culvert traversing the development site. The camera and its operation shall comply with the following:

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

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

109. Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.

110. Prior to the issue of Final Occupation Certificate, the applicant shall carry out the following works:

- a) On Rhodes St, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property frontage in accordance with Council Infrastructure Specifications,
- b) On Rhodes St, adjacent to development, demolish existing concrete footpath driveways and construct new concrete footpath as per Council's Infrastructure specifications.

111. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
112. Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

113. Existing Service Easements

Prior to the issue of the Occupation Certificate, the following easements shall be extinguished with the prior approval of the beneficiary:

- a) Registered 4.57m wide "Easement for Sewerage Purposes" title reference G52933 shall be extinguished with the written approval from Sydney Water and Council, and
 - b) Registered 2.44m wide "Easement to Drain Water" title reference X757885 shall be extinguished with the written approval from the beneficiary(ies) and Council.
114. Landscaping shall be installed in accordance with the final approved landscape plans. This amended, approved plan will supercede the original landscape plan. The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape documentation, the conditions of consent and to Council's satisfaction at all times.
- a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
 - b) 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.
 - c) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant or Certifier 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.

115.

- a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- b) Condition Number 3(b) and Condition 87 to 116, of this consent are pre-conditions to the issue of the Occupation Certificate.

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

- 116. On site waste material removal and recycling collection is to occur from the Rhodes Street vehicular entry.
- 117. The landscape contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time monthly maintenance is required.
- 118. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 119. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
- 120. 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.

121.

- a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
- b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and
- c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police in Condition 13, shall be monitored by CCTV cameras at all times.

122. All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

123. The Development must be managed as follows:-

- a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 13/200.
- b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 13/279
- c) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner.
- d) Responsibilities for ensuring owners and/or tenants have adequate and hygienic disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times in accordance with the Plan of Management required under the conditions of this consent.
- e) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises by 12.00 noon;
- f) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.

- g) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
 - h) The linen plan must include details of any easements, encroachments, rights of way, including right of footway. restriction as to user or positive covenants and include a Section 88B Instrument under the Conveyancing Act, 1919. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants;
 - i) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
 - j) Maintenance of required acoustic measures of Development Consent No. 13/279; and
 - k) CCTV surveillance of all public areas within the development site.
124. 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.
125. Ongoing maintenance of the nature strip shall be undertaken by the occupiers/owners/strata. Maintenance includes mowing, watering and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time. Pruning is undertaken by Council only.
126. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 13/279 dated as 24 December 2013, ***as amended by Section 96(AA) Application No. 13/279/2 dated 28 August 2015*** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council. **(DA 13/279/2)**