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.

Plans	Author	Dated / Received by Council
Cover Sheet DA0000 Project No. 5364, Revision: Unknown	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Context Plan DA0101 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Approved Stage 1 DA Envelopes DA0102 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Floor Plan – Ground DA0200 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 1 DA0201 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 2 DA0202 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan - Level 3 DA0203 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 4 DA0204 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 5 DA0205 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 6-11 DA0206 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 12-15 DA0212 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 16-19 DA0216 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Roof DA0220 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – North DA0501 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – South DA0502 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – East DA0503 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – West DA0504	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016

Project No. 5364, Revision: 21		
Sections DA0601 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Sections DA0602 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Detail Section DA0611 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Detail Elevation DA0621 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Apartment Types – 1 Bed DA0701 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 31.05.2016
Apartment Types – 2 Bed DA0702 Project No. 5364, Revision: 15	SJB Architects	Dated: 21.04.2016 Received: 31.05.2016
Apartment Types – 2 Bed DA0703 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 31.05.2016
Apartment Types – 2 Bed DA0704 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Apartment Types – 3 Bed DA0705 Project No. 5364, Revision: 15	SJB Architects	Dated: 21.04.2016 Received: 31.05.2016
Apartment Types – 3 Bed DA0706 Project No. 5364, Revision: 15	SJB Architects	Dated: 21.04.2016 Received: 31.05.2016
Apartment Types – 3 Bed DA0707 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 31.05.2016
Adaptable Apartments DA0708 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Shadow Diagrams DA0710 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Solar Analysis DA0720 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Solar Analysis DA0721 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Solar Analysis – Solar Point Perspectives DA0722 Project No. 5364, Revision: 11	SJB Architects	Dated: 15.01.2016 Received: 16.02.2016
Solar Analysis – Open Space DA0723 Project No. 5364, Revision: 11	SJB Architects	Dated: 15.01.2016 Received: 16.02.2016
Ventilation Analysis DA0730 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Ventilation Analysis DA0731 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
GFA Calculation	SJB Architects	Dated: 29.01.2016

DA0740 Project No. 5364, Revision: 13		Received: 16.02.2016
Landscape Coverage Calculation DA0741 Project No. 5364, Revision: 18	SJB Architects	Dated: 09.05.2016 Received: May 2016
External Finishes DA0750 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Childcare – Area Schedule Plan DA0763 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
3D Perspectives DA0800 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
3D Perspectives DA0801 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
3D Perspectives DA0802 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
3D Perspectives DA0803 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
Plan showing selected detail and levels over UB5W at the corner of Banks Avenue and Westfield Drive, Pagewood	JBW Surveyors Pty Ltd	Dated: 23.02.2016 Received: 02.03.2016
Stormwater Management Plan SKC33 Project No. 13-155, Issue: A	At&l	Dated: 09.02.2016 Received: 16.02.2016
Siteworks and Stormwater Drainage Plan Sheet 2 Dwg No. DAC313 Project No. 13-155 Issue B	At&l	Dated: 09.05.2016 Received: May 2016
Stormwater Drainage Longitudinal Sections Sheet 4 Dwg No. DAC325 Project No. 13-155 Issue B	At&l	Dated: 09.05.2016 Received: May 2016
Stormwater Report – Urban Block 5W No. 13-155-5300 Rev: 01	At&l	Dated: 06.05.2016 Received: May 2016
Driveway Crest Section	SJB Architects	Dated: 05.05.2016 Received: May 2016
Privacy & Screening SK0901 Project No. 5364, Revision: Unknown	SJB Architects	Dated: 10.05.2016 Received: 11.05.2016

Document	**Author**	**Dated / Received by Council**
Statement of Environmental Effects	Meriton Property Services Pty Ltd and Karimbla Constructions Services (NSW) Pty Ltd	Dated: 12.02.2016 Received: 16.02.2016
Stage 1 Compliance Table – 130-150 Bunnerong Road, Pagewood	Meriton Property Services Pty Ltd and Karimbla	Dated: Unknown Received: 16.02.2016

	Constructions Services (NSW) Pty Ltd	
Quantity Surveying Cost Report	Steven Wehbe	Dated: 08.02.2016 Received: 16.02.2016
DA Access Report No. MTN-009	Wall to Wall Design + Consulting	Dated: 10.02.2016 Received: 16.02.2016
DA Noise Impact Assessment UB5W No. 610.13932 Rev: 0	SLR	Dated: 05.02.2016 Received: 16.02.2016
Aeronautical Impact Assessment No. J0469	The Ambidji Group Pty Ltd	Dated: 17.12.2015 Received: 16.02.2016
Arboricultural Assessment Report – 130-150 Bunnerong Road Pagewood	TALC Tree and Landscape Consultants	Dated: 09.02.2016 Received: 16.02.2016
Thermal Comfort & BASIX Assessment Ref. 9530 Issue: A	Efficient Living	Dated: 27.01.2016 Received: 16.02.2016
BASIX Certificate No. 694301M	Efficient Living	Dated: 27.01.2016 Received: 16.02.2016
Construction Management Plan – UB5W 130-150 Bunnerong Road, Pagewood	Meriton Property Services Pty Ltd	Dated: February 2016 Received: 16.02.2016
Construction Traffic Management Plan No. SBMG01100-00 R1	SBMG	Dated: 20.04.2016 Received: May 2016
Letter endorsing DP, DSI, and RAP – 130-150 Bunnerong Road, Pagewood	Consulting Earth Scientists	Dated: 10.04.2014 Received: 16.02.2016
Site Audit Report and Site Audit Statement	AECOM	Dated: 31.03.2014 Received: 16.02.2016
Updated Remedial Action Plan Ref: 71631.12 Rev: O	Douglas Partners	Dated: September 2013 Received: 16.02.2016
Report on Validation Assessment – Part 1A 130-150 Bunnerong Road, Pagewood No. 85009.R.006	Douglas Partners	Dated: January 2016 Received: May 2016
Site Audit Report and Site Audit Statement – Part 1A 130-150 Bunnerong Road, Eastgardens No. jc_NSW11a	Senversa Pty Ltd	Dated: 29.01.2016 Received: 17.05.2016
Part 1A Validation – Addendum 1 – Part 130-150 Bunnerong Road, Pagewood No. S11304_LET12	Senversa Pty Ltd	Dated: 10.05.2016 Received: May 2016
Part 1A Validation – Addendum 1 – Part 130-150 Bunnerong Road, Pagewood No. 85009.00.R.007 Rev: 0	Douglas Partners	Dated: 03.05.2016 Received: May 2016
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated: 10.02.2016 Received: 16.02.2016
Geotechnical Investigation Report	Coffey	Dated: 08.08.2014 Received: 16.02.2016
Reflectivity and Glare Assessment No. 610.13932.00100-R2D1 Rev: 0	SLR	Dated: 02.02.2016 Received: 16.02.2016
Stage 2 Traffic and Transport Report No. 237575	ARUP	Dated: 09.02.2016 Received: 16.02.2016
Waste Management Plan Rev: B	Elephants Foot	Dated: 09.02.2016 Received: 16.02.2016
Qualitative Wind Assessment No. 610.13932.00100-R1 Rev: 0	SLR	Dated: 02.02.2016 Received: 16.02.2016

Acid Sulfate Soils Management Plan No. CES 130805-MG-AD	Consulting Earth Scientists	Dated: 21.01.2016 Received: 16.02.2016
SEPP65 Design Statement – Urban Block 5W Ref: 5364 Version 01	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Landscape Concept – Urban Block 5W Issue D	Arcadia Landscape Architecture	Dated: February 2016 Received: 16.02.2016

2 This Consent relates to land in Lot 2 in DP 1187426 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.

3 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.

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

5 This development is a Stage 2 consent. The development must comply with all conditions of the Stage 1 consent DA-14/96.

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.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

The following General Terms of Approval have been imposed by the **Department of Primary Industries – Water**:

General

7 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.

8 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.

9 Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

(a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

(b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

(c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

10 Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

11 DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for

the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

12 The following shall be included in the initial report:

(a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

13 The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

14 Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

15 Groundwater quality testing generally in accordance the above condition, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

16 A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

17 A copy of a valid consent for the development shall be provided in the initial report.

18 The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

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

<u>During excavation</u>

20 Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

21 Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off- site discharge.

22 Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

23 Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, storm water system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

24 Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

25 The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

26 Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

27 Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:

(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

(b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

(c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

28 The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction

The following conditions are imposed by **Ausgrid**:

29 Ausgrid requires kiosk substation housings to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts. Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier. For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

30 Ausgrid requires the following conditions with respect to Chamber substations. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA

and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake EF 520, V3, 19/07/13 and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment. For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

31 Any work undertaken near Overhead Power lines needs to be carried out in accordance with

(a) WorkCover Document ISSC 23 "Working Near Overhead Power Lines"

(b) Ausgrid Network Standards

(c) Ausgrid Electrical Safety Rules

32 The location of underground cables by using Dial Before You Dig and comply with the requirements of Ausgrids Network Standard 156: Working Near or Around Underground Cables before any excavation works are undertaken.

33 Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

34 The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site). The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.

The following conditions are imposed by **Sydney Airport Corporation Limited (SACL)**:

35 The building must not exceed a maximum height of 91 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

36 Buildings A3 and A6 (as referred to in the Stage 1 Consent DA-14/96) in Urban Block UB5W must be obstacle lit by low intensity red lighting at the highest point of the building. Obstacle lights are to be arranged so as to at least indicate the points or edges of the building to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139-Aerodromes (MOS Part 139). Characteristics for low intensity lights are stated in subsection 9.4.6 of MOS Part 139.

37 The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

38 The proponent must ensure obstacle lighting is maintained in serviceable condition and any outage immediately reported to SACL.

39 Separate approval must be sought under the Regulations for any cranes required to construct the buildings. 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 Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

40 At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

The following conditions are imposed by the **NSW Roads and Maritime Services (RMS)**:

41 All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Bunnerong Road boundary.

The following conditions are imposed by **Sydney Water**:

42 Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing> Developing Land development or telephone 13 20 92.

43 Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or nex1 to assets).

44 Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at

businesscustomers@sydneywater.com.au. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

45 Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.

- Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300889099.

For installation you will need to engage a licensed plumber with backflow a ccreditation who can be found on the Sydney Water website: http://www.sydneywater.com.au/Plumbing/BackflowPrevention/

46 Water Efficiency Recommendations

Water is our most precious resource and every customer can playa role in its conservation. By working together with Sydney Water, business customers are able to

reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS

  (Water Efficiency Labelling and Standards (WELS) Scheme, http://www.waterrating.gov.au/)

- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to http://www.sydneywater.com.aulWater4Life/lnYourBusiness/RWTCaIculator.cfm

- Install water-monitoring devices on your meter to identify water usage patterns and leaks.

- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

47 Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15 meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS

48 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

(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 to install temporary ground anchors in public land,

(d) Permit to discharge ground water to Council's stormwater drainage system,

(e) Permit for roads and footways occupancy (long term/ short term),

(f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,

(g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,

(h) Permit to place skip/waste bin on footpath and/or nature strip, and

(i) Permit to use any part of Council's road reserve or other Council lands.

49 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.

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

51 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.

52 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.

53 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

(a) demolition and construction 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:

to a public sewer; or

if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,

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.

(c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.

54 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

55 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

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

56 Prior to the issue of the relevant Construction Certificate, construction plans are to show for all two and three bedroom apartments the floor surface of the entry, kitchen floor and internal storage areas to be of readily maintainable and water-resistant material (not carpet).

57 Prior to the issue of the relevant Construction Certificate, construction plans are to show all two and three bedroom apartments to include a fixed study desk or study nook where a separate study room has not been provided.

58 Prior to the issue of the relevant Construction Certificate, construction plans to show that compliance with the Apartment Design Guide minimum storage rates has been achieved as follows:

(a) 1 Bedroom apartments $6m^3$

(b) 2 Bedroom apartments $8m^3$

(c) 3 Bedroom apartments $10m^3$

At least 50% of the required storage is to be located within the apartment.

59 Prior to the issue of any Construction Certificate, the following fees are to be paid:-

(a)	Development Control	$13,445.00
(b)	Damage Deposit	$243,900.00 (See below)
(c)	Tree Preservation Bond	$60,000.00 (See below)
(d)	Section 94 Contributions	$9,805,960.00 (See below)
(e)	Long Service Levy	See below

60 Prior to the issue of any Construction Certificate, the payment of a monetary contribution of $9,805,960.00 in accordance with Council's Section 94 Contributions Plan 2005-2010 which is broken down as follows:

(a)	Community Facilities	$984,268.92
(b)	Open Space	$8,413,959.00
(c)	Administration	$29,945.42
(d)	Transport Management	$373,893.80
(e)	Shopping Centre Improvements	$3,893.00

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

61 Prior to the issue of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must 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.

62 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of $243,900.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

63 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance

of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

64 Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to, and approved by Council and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

(a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,

(b) The proposed phases of construction works on the site and the expected duration of each construction phase,

(c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,

(d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,

(e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,

(f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,

(g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,

(h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,

(i) Proposed protection for Council and adjoining properties, and

(j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

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

65 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services). 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, and

(c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

66 Prior to the issue of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

(a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and

(b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.

67 Prior to the issue of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

(a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,

(b) All service vehicles shall enter the property front in front out,

(c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,

(d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and

(e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.

68 Prior to the issue of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

(a) Disabled car parking spaces shall be provided and clearly marked as per the Stage 2 Traffic and Transport Report by ARUP Group, dated 9 February 2016, 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.

69 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

70 Prior to the issue of the relevant Construction Certificate, 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) The Ausgrid lighting poles along Banks Avenue, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,

(d) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and

(e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider.

The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the commencement of these works.

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

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

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

(a) An 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,

(b) Provision of a minimum 10kL rainwater tank collection system for each separate Lot for internal reuse in accordance with Section 4 of Botany Bay's SMTG,

(c) If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,

(d) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.

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

(f) The submission of detailed calculations including computer modelling where required supporting the proposal.

72 **A. Tree retention**

Prior to the issue of any Construction Certificate and the removal of any tree, the applicant is required to utilise the services of a Landscape Architect and AQ5 Aborist to advise on tree retention, tree protection zones and root protection zones (or allowable incursions to the TPZ under the Australian Standard), and tree protection during construction in order to retain as many of the following significant trees and possible.

Westfield Drive

No. 26 Broad Leaf Paperbark 14m high

No. 73 and 74, 2 x Coast Banksia 12m and 7m high

No. 71 Lemon Scented Gum 18m high

No. 126 Tallowwood Eucalypt 17m high

No. 131 Lemon Scented Gum 18m high

No. 139 Spotted Gum 18m high

No. 142 Broad Leaf Paperbark 5m high

Westfield Dr/Banks Av

No. 59 and 66 Saw Banksia 8m high

Banks Avenue

No.89 Tallowwood 18m high

No. 106 to111, 6 x Lemon Scented Gums 12m high.

In addition to other trees on the approved Landscape Plan Issue D AND/OR Arborist Report marked as being retained, as follows:

Banks Av/Westfield Dr

No. 56, 58 and 67 Lemon Scented Gums 12, 17-18m high

No.74 Coast Banksia 7m high

No. 75 and 76 Red Bloodwoods 12-13m high

Westfield Drive

No. 38, 46 and 123 Lemon Scented Gums 17-18m high

No. 124 Broad Leaved Paperbark 17m high

No. 125 Tallowwood Eucalypt 18m high

Trees between the end of North-South Street 1 and Westfield Drive

C.citriodora

Full written, plan and section details of tree retention are to be provided to Council for written approval. The retention of significant trees may require the reconfiguration of the OSD tank – these details must be shown on the plans.

B. Deep soil and landscaping

The following measures are to be undertaken to ensure deep soil and soft landscaping provision and to ensure as many significant trees are retained on site as possible:

(a) The hard paving and planters within the Banks Avenue setback are to be minimised to allow the retention of existing trees and planting of replacement trees. The internal north-south footpath is not supported and is to be removed from the plans, the paved entrance leading to each unit may remain;

(b) The internal footpath within the Westfield Drive setback is to be deleted to allow the retention of existing trees and planting of replacement trees;

(c) Detailed drawings of the outdoor play area for the Child care centre are to be submitted to Council which investigate potential for additional tree retention in this area in conjunction with Part A above. The drawings are to include likely placement of shade structures within the play area.

C. Landscaping plans

Revised landscaping plans incorporating the matters in A and B above are also to include.

(d) A planting design that includes not only tree retention but new significant canopy tree plantings on all frontages, internal and external. Trees shall be a variety of heights in all setbacks and include small, medium and large canopy trees with the majority (80-90%) being evergreen species. Species should be shade tolerant. Trees must be of an appropriate scale to complement and ameliorate the built form and massing and to pedestrianise setbacks.

(e) Shrubs of varying height shall be used throughout the entire Westfield Drive setback including at the base of buildings to visually ground buildings and screen edges and facades. Lawn shall be minimized in favour of extensive mass planted areas using shrubs of varying heights and using shade tolerant species.

(f) A planting plan showing all plant locations, groupings and centres. There is to be a dense, layered planting of trees and shrubs of varying height in all landscaped areas.

(g) Specifications detailing soil and mulch finishes, root barriers, irrigation, edge treatments and other landscape hardworks/materials such as retaining walls and paving. Sectional construction details

(h) All fencing details for all fencing visible in the public domain of both internal and external roads – sectional details and materials. Details for privacy screening, pergolas and the like that are visible in the public domain.

(i) Other landscape elements such as furniture and pedestrian amenity/security lighting within street setbacks.

(j) Planter box on slab sectional details and external finishes. Planter box depths to be in accordance with Council's Landscape Technical Guidelines (DCP).

Full written, plan and section details of all landscape works are to be provided to Council for written approval.

73 Within 18 months of the issue of the first Construction Certificate, a public domain improvements plan shall be submitted for approval to Council's Landscape Architect for Banks Avenue. The Plan shall be prepared by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (to be designed in conjunction with setback paving and access to ground floor units), street tree pit treatments and tree guards, street furniture such as seats, bollards and bike racks where required and ground level landscaping. The Plan shall be in accordance with Council's City Identity Program and any other Council specification or requirement. Civil drawings shall include levels and detailed footpath construction sections.

74 Prior to the issue of any Construction Certificate, the Applicant is to submit payment for a Tree Preservation Bond of $60,000.00 to ensure protection of the existing trees listed above and in the final Council approved landscape plan (including new trees) from damage during construction and occupation. 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. If a tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited.

75 Prior to the issue of the relevant Construction Certificate, the recommendations of the Qualitative Wind Assessment Report from SLR referred to in this consent are to be incorporated into the design in order to ensure compliance with the Councils maximum wind criteria (as set out at Part 9A.4.5.4 Wind Mitigation, Control C1 of the DCP 2013) as follows:

(a) 10 metres/second along commercial/retail streets;

(b) 13 metres/second along main pedestrian streets, parks and public places; and

(c) 16 metres/second in all other streets.

76 Prior to the issue of the relevant Construction Certificate, the building shall be constructed in accordance with AS2021-2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to

Principal Certifying Authority and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by SLR, dated 05/02/2016, Report reference number 610.13932 shall be undertaken in accordance with the provisions of AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

(a) Appropriate acoustic glazing to stated windows and doors,

(b) Detailed roof and ceiling construction,

(c) Wall and ceiling corner details and,

(d) External door specification,

(e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

77 The building shall be designed in accordance with the Office of Environment and Heritage (Department of Environment, Climate Change and Water) 'NSW Road Noise Policy', and shall also meet the criteria recommended in Table 1 of Australian Standard AS 2107-2000. Details shall be submitted to the Principal Certifying Authority.

78 Prior to the issue of the relevant Construction Certificate, details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority. The report must:

(a) identify each item of plant and equipment;

(b) the following additional criteria adopted by City of Botany Bay Council:

(i) 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).

(ii) 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.

(iii) 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.

(iv) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Note "sensitive" positions should be selected to reflect the typical use of a property (i.e. 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.

79 Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

80 Prior to the issue of the relevant Construction Certificate, the electrical kiosk and fire booster assembly (and similar utilities) must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped setbacks. The utilities must be housed within the external face of the building structure and screened from view from the public domain area.

81 Prior to the issue of the relevant Construction Certificate, an independent review by an appropriately qualified person demonstrating consistency of the development with the Crime Prevention Through Environmental Design (CPTED) principles and strategies to be submitted to the Principal Certifying Authority.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

82 Prior to any work commencing and during works, in order to ensure that the trees specifically listed in the conditions above are protected during all stages of construction, and their health and structural stability ensured, the following is required:

a) Engage the Consultant Arborist for all tree root and canopy work to trees. Comply with recommendations and requirements and management plan contained within the Arborist's report.

b) Trees to be retained and in accordance with the Council approval final landscape plan are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan.

c) Prior to commencing any works the trees shall be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until

construction is complete. The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.

d) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails) in accordance with Arborist instructions.

e) Before any works commence on site, the Applicant is required to contact Council for an inspection of the fenced TPZ's. Council approval is required prior commencement of any work.

All detailed relevant Construction Certificate plans shall show trees to be protected and the TPZs.

83 Tree protection

a) All TPZ's as well as the Council nature strip are a "No-Go" zone. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer.

b) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.

c) Excavation within the TPZ or within an area extending 3 metres outward of the canopy dripline of any tree to be retained shall be carried out manually using hand tools to minimise root damage or disturbance.

d) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or the consulting Arborist after a site inspection.

e) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.

f) Masonry boundary fencing/walls or built structures shall be of piered or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.

g) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree to be retained. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.

h) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.

i) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

84 Construction operations shall comply with the following:

(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) Concrete trucks and trucks 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 be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.

(f) 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.

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

85 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.

86 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.

87 To ensure the land remains suitable, from a contamination perspective, for the proposed uses, all management protocols outlined in the conclusion of the Report on Validation Assessment Part 1A, Proposed Residential Development - Part 130 - 150 Bunnerong Road, Pagewood. Project 85009.R.006.Rev 0 dated 15 January 2016 by Douglas Partners Pty Ltd shall be implemented during construction of the proposed development. The following specific management protocols must be followed to prevent contamination of the site:

(a) The site should be cordoned off from the remainder of the overall development area such that earthworks machinery does not inadvertently pass through the site from other parts of the overall development area;

(b) No stockpiling of soils, building rubble or excavated hardstand from other parts of the overall development area is to take place within the site; and

(c) Only materials approved by Douglas Partners Pty Ltd (DP) and the Site Auditor as virgin excavated natural material (VENM) or compliant with a relevant Resource Recovery Order and its corresponding Resource Recovery Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014, can be used as filling on the site. Other materials from within the remainder of the overall development area may also be used once appropriately validated by DP and the Site Auditor

88 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. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.

89 The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the approved Acid Sulfate Soil Management Plan as referenced in this consent.

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

(a) Office of Environment and Heritage (OEH) approved guidelines; and

(b) Protection of the Environment Operations Act 1997; and

(c) Protection of the Environment Operations (Waste) Regulation 2014.

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

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

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

(a) The Soil and Water Management Plan;

(b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and

(c) Protection of the Environment Operations Act 1997.

93 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.

94 Vibration caused by excavation and construction at any residence or structure outside the site must be limited to: a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006). Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

95 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.

(a) Level Restrictions

Construction period of 4 weeks and under:

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 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

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).

(b) Time Restrictions

Construction/demolition work shall be limited to the following hours:

Monday to Friday: 07:00 am to 06:00 pm

Saturday: 07:00 am to 03:00 pm

No Construction to take place on Sundays or Public Holidays.

(c) Silencing

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

96 The Council street trees on Banks Avenue must remain during the construction phase and may only be removed at the commencement of public domain re-landscaping works after Council approval of a Public Domain Plan has been obtained. Once approved, the Applicant may remove the street trees at their own expense. All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities. Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.

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

97 Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resistant for all two and three bedroom apartments.

98 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:

(a) 764 residential spaces

(b) 49 visitors spaces

(c) 1 car share space within the car park

(d) 4 car share spaces provided on the adjoining private access way

(e) 32 child care centre spaces

99 Prior to the issue of the relevant Occupation Certificate, at least 121 bicycle spaces are to be provided in the car park.

100 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 the damage deposit.

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

102 Prior to the issue of the relevant Occupation Certificate, the applicant shall carry out the following works:

(a) On Banks Ave, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications,

(b) On Banks Ave, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications, and

103 Prior to the issue of the relevant 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.

104 Prior to the issue of the relevant 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.

The terms of the 88E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

105 Prior to the issue of the relevant Occupation Certificate, a report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to the Principal Certifying Authority within 21 days of the installation of the system and prior to the occupation of the premises.

106 Prior to the issue of the relevant Occupation Certificate, the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the pre-construction acoustic report have been carried out and certify that the construction meets the requirements. The report must be prepared by a qualified

practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

107 Prior to the issue of the relevant Occupation Certificate, evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

108 Prior to the issue of the relevant Occupation Certificate, 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.

109 Prior to the issue of the Occupation Certificate for the Child Care Centre, the child care centre is to comply with the requirements of the NSW Children Services Regulations 2004 and any other requirements as specified by the NSW Department of Community Services.

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

110 A separate application is to be submitted for the use and fit out of the child care centre.

111 The use of studies as bedrooms is prohibited.

112 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.

113 The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

114 The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997. Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.

115 All intruder alarms shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.

116 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):

(a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or

(b) Before 7 am or after 10 pm on any other day.

117 The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

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.

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.

118 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a 12 month defects period after final Council approval of planting. Maintenance includes twice weekly watering to sustain adequate growth, bi-annual fertilising, mulch replenishment every 3 months minimum and weekly weed removal around the base but does not include trimming or pruning the trees under any circumstances.

119 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. 16/18 dated as 16 February 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.