

**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.

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
Survey, Drawing No. A001, Revision G	Elenberg Fraser	2 April 2015
<del>Site Plan, Drawing No. A010, Revision P</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 00 Ground Floor Plan, Drawing No. A200, Revision X</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 01 Podium Plan, Drawing No. A201, Revision V</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 02 Plan, Drawing No. A202, Revision T</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 03-06 Plan, Drawing No. A203, Revision U</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 07 Plan, Drawing No. A207, Revision U</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Roof Plan, Drawing No. A 208, Revision M</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>East Elevation, Drawing No. A400, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>North Elevation, Drawing No. A401, Revision F</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>West Elevation, Drawing No. A402, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>South Elevation, Drawing No. A403, Revision F</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Streetscape Elevations, Drawing No. A410, Revision F</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Section A-A, Drawing No. A 500, Revision</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>

Drawing No.	Author	Date Received
<b>K</b>		
<del>Section B-B, Drawing No. A501, Revision J</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Site Sections C-C and DD, Drawing No. A502, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Detail Sections E-E, F-F, G-G, H-H and I-I, Drawing No. A503</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 00 Interior Layout, Drawing No. A900, Revision C</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 01 Interior Layout, Drawing No. A901, Revision D</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 02 Interior Layout, Drawing No. A902, Revision D</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 03-06 Interior Layout, Drawing No. A903, Revision D</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Level 07 Interior Layout, Drawing No. A907, Revision D</del>	<del>Elenberg Fraser</del>	<del>4 August 2015</del>
<del>Townhouse 2 Bedroom Type, Drawing No. A950, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Townhouse 3 Bedroom Type, Drawing No. A951, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Typical 1 Bedroom Apartment and Adaptable Type, Drawing No. A952, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Typical 2 Bedroom Apartment and Adaptable Type, Drawing No. A953, Revision G</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Concept Stormwater Design Level 00 Ground Plan Sheet 1 of 2, Drawing No. SW02, Revision B</del>	<del>Integrated Group Services</del>	<del>2 April 2015</del>
<del>Concept Stormwater Design Level 00 Ground Plan Sheet 2 of 2, Drawing No. SW03, Revision C</del>	<del>Integrated Group Services</del>	<del>2 April 2015</del>

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
<del><b>Concept Stormwater Design Level 01- Podium Plan Sheet 1 of 2, Drawing No. SW04, Revision B</b></del>	<del><b>Integrated Group Services</b></del>	<del><b>2 April 2015</b></del>
<del><b>Concept Stormwater Design Level 01- Podium Plan, Sheet 2 of 2, Drawing No. SW05, Revision B</b></del>	<del><b>Integrated Group Services</b></del>	<del><b>2 April 2015</b></del>
<del><b>Concept Stormwater Plan – Catchment Plan, Drawing No. SW06, Revision A</b></del>	<del><b>Integrated Group Services</b></del>	<del><b>2 April 2015</b></del>
Survey Plan, Ref No. 140102, Sheets 1-3	Denny Linker	16 April 2014

#### **Section 96 DA14/80/02 Plans**

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
<b>Site Plan DWG No S96-100-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Ground Level DWG No. S96-100-000</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Level 01 DWG No. S96-100-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Level 02 DWG No. S96-100-002</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Level 03 DWG No. S96-100-003</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Level 04 DWG No. S96-100-004</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Level 05 DWG No. S96-100-005</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Level 06 DWG No. S96-100-006</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Roof DWG No. S96-100-007</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Holloway and Page Street Elevations DWG No. S96-250-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>South and East Elevations DWG No. S96-250-002</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Sections DWG No. S96-350-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Typical Façade Sections DWG No. S96-351-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>GFA Diagrams Ground Level - 03 DWG No. S96-710-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>GFA Diagrams Level 04 -07 DWG No. S96-710-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Apartment Amenity Diagrams Ground Level - 03 DWG No. S96-730-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>
<b>Apartment Amenity Diagrams Ground Level 04 -07 DWG No. S96-730-001</b>	<b>Turner Architects</b>	<b>7 June 2016</b>

<b><i>Adaptable Apartment plans DWG S96- - 810-001</i></b>	<b><i>Turner Architects</i></b>	<b><i>7 June 2016</i></b>
<b><i>Materials and Finishes DWG S96-820-001</i></b>	<b><i>Turner Architects</i></b>	<b><i>7 June 2016</i></b>
<b><i>Civil Engineering Drawings, Drawings C0-00 to C6-53, Revision 2, dated 27 May 2016</i></b>	<b><i>Robert Bird Group</i></b>	<b><i>7 June 2016</i></b>
<b><i>Landscape Design Report, dated 31 May 2016</i></b>	<b><i>Oculus</i></b>	<b><i>7 June 2016</i></b>

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
Statement of Environmental Effects	Urbis	16 April 2014
Amended Application Submission	Urbis	2 April 2015
<b><del>Clause 4.6 Variation</del></b>	<b><del>Urbis</del></b>	<b><del>16 April 2014</del></b>
<b><del>SEPP 65 Design Verification Statement</del></b>	<b><del>Elenberg Fraser</del></b>	<b><del>2 April 2015</del></b>
Ecologically Sustainable Design Report	Integrated Group Services	16 April 2014
<b><del>Amended Traffic Report, Final Issue C, dated 16 February 2015</del></b>	<b><del>McLaren Traffic Engineering</del></b>	<b><del>2 April 2015</del></b>
<b><del>Supplementary Traffic Advised dated 4 August 2015</del></b>	<b><del>McLaren Traffic Engineering</del></b>	<b><del>2 April 2015</del></b>
<b><del>Engineering Services Infrastructure Report, Job No. VE-N13_19, dated April 2014</del></b>	<b><del>Integrated Group Services</del></b>	<b><del>14 April 2014</del></b>
Geotechnical Study, Report No. E221216, dated 31 March 2014	Environmental Investigations	16 April 2014
<b><del>Waste Management Plan</del></b>	<b><del>Elephants Foot</del></b>	<b><del>16 April 2014</del></b>
Remedial Action Plan, No. 43188 – 58013 (Rev 1), dated 25 November 2014	JBS&G	2 April 2015
Letter from JBS&G dated 16 December 2014 regarding Modified Plans	JBS&G	2 April 2015
Letter from JBS&G dated 19 March 2015 regarding Modified Plans	JBS&G	2 April 2015
Site Audit Statement No. KJL096, dated 17 December 2014	Zoic Environmental	2 April 2015

Reference Document(s)	Author	Date Received
<del>BCA Assessment Report, dated 14 April 2014</del>	<del>Steve Watson &amp; Partners</del>	<del>16 April 2014</del>
BASIX Certificate No. 617081M  617081M_02	Planning & Infrastructure	2 April 2015  15 June 2016
<del>Shadow Study</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Response to SEPP 65</del>	<del>Elenberg Fraser</del>	<del>2 April 2015</del>
<del>Solar Access Analysis, dated 11 February 2014</del>	<del>Steve King</del>	<del>2 April 2015</del>
<del>Natural Ventilation Analysis, dated 7 February 2014</del>	<del>Steve King</del>	<del>2 April 2015</del>
<del>Letter from Steve King dated 8 December 2014 regarding SEPP65 compliance</del>	<del>Steve King</del>	<del>2 April 2015</del>
<del>GFA Validation Survey, dated 14 April 2014</del>	<del>Denny Linker</del>	<del>16 April 2014</del>
<del>Apartment Mix Analysis, dated 29 January 2015</del>	<del>Urbis</del>	<del>2 April 2015</del>

#### Section 96 DA-14(80)2 Reference Documents

Reference Document(s)	Author	Date Received
<del>Section 96(2) Statement of Environmental Effects, dated June 2016</del>	<del>Urbis</del>	<del>7 June 2016</del>
<del>Architectural Statement including SEPP 65 and the Apartment Design Guide and Comparison with DA14/080 Dated June 2016 Rev 1</del>	<del>Turner</del>	<del>7 June 2016</del>
<del>Traffic Statement, titled "S96 Application for Residential Development at 32 Page Street, Pagewood" dated 1 June 2016.</del>	<del>McLaren Traffic Engineering</del>	<del>7 June 2016</del>
<del>Contamination Statement titled "Assessment of Proposed Modifications to Residential Development and Potential Implications to Remediation and Validation of Site Contamination"</del>	<del>JBS &amp; G Australia Pty Ltd</del>	<del>7 June 2016</del>

<i>Reference Document(s)</i>	<i>Author</i>	<i>Date Received</i>
<i>Architectural Design Statement – Section 96, dated June 2016_Rev 1</i>	<i>Turner Architects</i>	<i>7 June 2016</i>
<i>Engineering Services Report, dated 1 June 2016</i>	<i>Robert Bird Group</i>	<i>7 June 2016</i>
<i>Section 96 Access Review, dated 2 June 2016</i>	<i>Morris Goding Accessibility Consulting</i>	<i>7 June 2016</i>
<i>BCA Compliance Capability Statement, dated 23 May 2016</i>	<i>City Plan Services</i>	<i>7 June 2016</i>
<i>Acoustic Statement, dated 31 May 2016</i>	<i>Acoustic Logic</i>	<i>7 June 2016</i>
<i>Waste Management Plan, dated 2 June 2016</i>	<i>Elephants Foot Waste Compactors Pty Ltd</i>	<i>7 June 2016</i>

2. Prior to the issue of the Construction Certificate the applicant is to submit to Council for approval, an amended plan which deletes ***all structures on*** Level 7 from both Building 1 and 2, ***so as not to exceed 22 metres in height. This will result in approval for a total of 244 dwellings, and 402 car parking spaces (including visitor car parking).*** ***The amended plans must also incorporate the following recommendations of the Design Review Panel:***
- a) ***The mesh screen layer wave balustrades on the RFB's are to be modulated horizontally (perhaps to express individual units) to break down the scale of the facades;***
  - b) ***The top storey could be defined by a variation in the façade treatment (behind the balustrades) including a lightweight structure for visual lightness and to provide a top to the RFB's;***
  - c) ***Include a cross-over from another lift core at an upper floor to provide an alternative access in these situations.***
  - d) ***Provide roof lighting and ventilation at the top level internal bathrooms and laundries. The design of the car park as proposed with some natural lighting and ventilation is commended.***
  - e) ***Provide weather protection to all unprotected glazing and window openings;***
  - f) ***Provide a small meeting alcove with a bench seat as part of the residential entries to the RFB's, close to the mail boxes and at each upper storey lift lobby.***
  - g) ***Provide adequate seating for adults supervising children in the play area.***

**(DA14/080/02)**

3. This Consent relates to land in Lot 201 in DP 788578 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent.
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 the consent authority; or an accredited certifier; and
  - b) The person having the benefit of the development consent:
    - i) Has appointed a principal certifying authority; and has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment;
    - ii) 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.
  - c) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
5. The applicant shall construct and/or contribute to traffic works such as a temporary roundabout at the intersection of Page and Holloway Streets, or enter into arrangements with Council for other traffic works of a similar value, in order to reduce the traffic impacts of the development. The package of works needs to be negotiated with Council prior to the issue of any Construction Certificate.
6. The applicant shall carry out the following works, to be completed prior to the issue of any Occupation Certificate:
  - a) On Page, Holloway and Green Streets, adjacent to development
    - i) Reconstruct the existing kerb and gutter for the full length of the property; and
    - ii) demolish the existing concrete footpath and construct new footpath in accordance with Council's Infrastructure and Landscape Architect specifications;
  - b) On Page, Holloway and Green Streets, adjacent to development, mill 50mm of half road asphalt and re-sheet with 50mm thick AC14 per RMS and Council's Infrastructure specifications;
  - c) On Collins Lane, adjacent to development:
    - i) demolish the existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications; and
    - ii) install new lighting poles satisfying P2 lighting requirements any other requirements as specified by Council, RMS and any other service provider;

- d) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting Page Street, Holloway Street and Green Street in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate;
- e) Provide appropriate and suitable street lighting to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

**Note:** Council's normal requirement for the payment of Damage Deposit (\$1,089,555.00 for this site based on Council's Fees and Charges) to Council against possible damage to Council's asset during the course of the building works has not applied as Conditions 5(a), (b) and (c) require the re-construction of the infrastructure.

**6A. *The applicant must submit to the Principal Certifying Authority BASIX Certificate No. 617081M\_02 dated 15 June 2016 prior to the issue of a Construction Certificate.***

***Note : Where there is any proposed change in the BASIX commitments the applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the Regulation) the applicant will be required to submit an amended development application to Council pursuant to section 96 of the Act.***

***All commitments in the BASIX Certificate must be shown on the Construction Certificate plans and specifications prior to the issue of any Construction Certificate.***

***Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"***

***(DA14/080/02)***

**CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

- 7. The following conditions are imposed by the **Roads and Maritime Services (RMS)**:
  - a) Off street car parking associated with the development shall be in accordance with AS2890.1 – 2004 and AS2890.1 – 2002;
  - b) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvring through the site shall be in accordance with Austroads;
  - c) All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime.

8. The following conditions are imposed by **Sydney Airports Corporation**:

Height Restrictions

- a) The subject site 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 without prior approval of the Civil Aviation Safety Authority;
- b) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae and construction cranes;
- c) Should the proposed development wishes to exceed **40.8** metres above Australian Height Datum (AHD), a new application must be submitted;
- d) 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. 16'1;
- 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;
- f) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct;
- g) Information required by Sydney Airport 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) structure/activity;
  - v) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
- h) 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;
- i) Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units;
- j) The height of the prescribed airspace at the site is 51 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports

(Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved";

- k) The application proposes buildings which exceed the maximum height and was therefore referred to Sydney Airports Corporation Limited (SACL) for consideration. SACL raised no objections to the proposed maximum height of 40.8 metres AHD, subject to conditions to be imposed on any consent;

#### Birds and Obstacle Hazard Management

- l) The area in which the proposed development is located is in the vicinity of Sydney (KS) Airport;
- m) To minimise the potential for bird habitation and roosting, the Proponent must ensure that non-bird attracting plant species are used in any landscaping design;
- n) Any landscaping design must minimise the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted;
- o) All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature;

#### Planning for Aircraft Noise and Public Safety Zones

- p) Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices Australia on 13 March 2009 (Sydney Airport 2029 ANEF);
- q) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided."

**(DA14/080/02)**

9. The following conditions are imposed by **NSW Office of Water**:

#### General

- a) An authorisation shall be obtained from NSW Office of Water 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 in the authorization;
- 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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation;

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

#### Prior to excavation

- d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for 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 parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence;
- f) A copy of valid development consent for the project shall be provided in the report to the NSW Office of Water;
- g) Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, 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. 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 to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority;
- i) Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the *Protection of the Environment Operations Act 1997* [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water

that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site;

During excavation

- j) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows;
- k) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge;
- l) 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;
- m) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with;
- n) 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;
- o) 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;
- p) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures;

Following excavation

- q) 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.

10. The following conditions are imposed by **NSW Police**:

- a) As the proposed development may be exposed to Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, anti-social behaviour, assault and robbery 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. Facial recognition ability is crucial in identifying potential offenders;

- b) This CCTV system should consist of surveillance cameras strategically located around the development to provide maximum surveillance coverage of the area, particularly 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;
- c) Any proposed landscaping and vegetation should adhere to the following principles:
  - i) Shrubs bushes, plants should remain under 900mm in height;
  - ii) Branches or large trees should start at a height of two (2) metres and higher;
  - iii) This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
- d) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.
- e) It is not advised to install storage cages or similar for the residents in the car park. If it is required, consider that they should not be constructed in isolated areas. The cages are easy targets when they have little supervision. CCTV cameras must cover this area if they are constructed. Solid steel housing and quality key locks should be used to prevent access.

11. The following conditions are imposed by **Sydney Water Corporation**:

- a) The drinking water main available for connection is the 150mm main on Green Street or the 150mm main in Holloway Street.
- b) An extension of the wastewater system will be required from the 300mm constructed under WO 41221 or the 225mm main constructed under WN 304015. The proposed extension will provide a point of connection at least 1m inside all the proposed lot boundaries.
- c) The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002-2.2).

**CONDITIONS TO BE COMPLIED WITH DURING REMEDIATION**

- 12. Construction works the subject of this development consent shall not commence until the land subject of the consent has been remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G, dated 25 November 2015.

13.

- a) A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant. The Report shall be in accordance with:
  - i) NSW Department of Environment, Climate Change and Water (DECCW) 'Contaminated Sites – Guidelines for Consultants Reporting on Commercial Sites'; and
  - ii) State Environment Planning Policy 55 (SEPP 55) – Remediation of Land.
- b) 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.
- c) The report shall be submitted to the Council, and to the Principal Certifying Authority (if the Council is not the PCA). The report is to be submitted after completion of remediation works and prior to commencing any building works.

14.

- a) 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 any works associated with this DA and prior to the release of the Construction Certificate.
- b) Any conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a s96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.

15. The applicant is to undertake the re-installation of groundwater wells on the site by the polluter (or others) for the purpose of monitoring contamination associated with the current (and any future agreements) VMP as implemented with the EPA.

#### **CONDITIONS THAT MUST BE SATISFIED DURING REMEDIATION WORKS**

16.

- a) Prior to the commencement of any work on the site, the applicant is to pay a Tree Preservation Bond of \$25,000.00 to ensure protection of all Council street trees adjoining the site from damage during site works.
- b) The duration of the Bond shall be limited to a period of 6 months after issue of the Occupation Certificate. At the completion of the 6 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If tree/s are found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then

Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.

17. At all times during remediation, excavation and construction works:
  - a) The requirements of the approved Remedial Action Plan (RAP) and Site Audit Statement (SAS) listed in Condition No. 1 are to be complied with.
  - b) Any conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a s96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
  - c) During remediation 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 work. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
18. During remediation 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.
19. Vibration levels induced by demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
20. Should the excavation/remediation/construction process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
21. Any material containing asbestos found on site during the demolition process shall be removed and disposed 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 10m<sup>2</sup> 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
22. 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.

23. A Tree Preservation Order applies to the existing trees on the adjoining site to the west and on Council's nature strip, accordingly they are required to be retained and protected at all times. The property owner is required to ensure the protection and preservation of trees on adjoining properties, in close proximity to the proposed development and/or property boundaries. Any tree removals, canopy pruning or trimming of large tree roots (40mm diameter or more) requires the written consent of Council's Tree Preservation Officer under separate application.
- 24.
- a) Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the all properties immediately adjoining the site; and Page Street, Holloway Street and Green Street.
  - b) In relation to Council's infrastructure, the report shall include at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure. The survey shall detail the physical conditions and identify any existing damage 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.
  - c) Prior to commencement of the surveys, the applicant/ owner shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making any future claim regarding property damage. A copy of this communication shall be submitted to Council.
  - d) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.
  - e) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities, including Council. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
  - f) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of all works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners.
25. There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.
26. Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to commencement of any work. If the shoring

cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix.

27. In order to ensure that all Council street trees in the road reserve adjoining the site are protected during construction, the following is required:
- a) Prior to commencing any works on the property the trees are required to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete. This work is to be undertaken by an AQF Level 5 Consulting Arborist.
  - b) The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.
  - c) Fencing shall be erected to ensure the public footway is unobstructed.
  - d) If there is insufficient space to erect fencing in a particular area, and after Council approval, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
  - e) Before any works commence on site, the Applicant is required to contact Council for an inspection of the fenced TPZ's. Council approval is required prior commencement of any work.
  - f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
28. 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:
- 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 groundwater 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.

- j) Note: Any works shown within Council's road reserve or other Council land on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.
29. 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.
- 30.
- a) 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 being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties.
- b) 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 three (3) month period after the completion of the development, where necessary.
- 31.
- a) At all times during demolition, excavation and construction, noise from associated with the development shall comply with the NSW Environmental Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.
- b) For site works including demolition and remediation works with 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 10dB(A).
- c) For site works with a 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).
- 32.
- a) The hours of site works shall be
- i) Monday to Friday 07:00am to 06:00pm;
- ii) Saturday 08:00am to 04:00pm
- iii) No work to take place on Sundays or Public Holidays.

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

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

34. Prior to the issue of the Construction Certificate, the Applicant is to submit documentary evidence to the Principal Certifying Authority that the required Licence under the Water Management Act 2000 has been obtained.
35. Prior to the issue of the Construction Certificate, the Applicant, the residential apartment building must be provided with a mechanical/forced ventilation system and the lift shaft must be naturally ventilated. Details are to be provided with the Construction Certificate.
36. The applicant must prior to issue of the Construction Certificate, pay the following fee:
- a) Development Control \$10,000.00

- ~~37. 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 2005-2010, the following development contributions are required (based on a reduced number of dwellings as a result of the deletion of Level 7 as per Condition 2):~~

- ~~a) Community Facilities: \$527,040.00~~
- ~~b) Administration: \$19,520.00~~
- ~~c) Transport: \$268,400.00~~
- ~~d) Open Space and Recreation: \$4,065,040.00~~

~~**Total Section 94 Contributions 2005/2010 \$4,880,000.00**~~

~~The Section 94 Contribution of **\$4,880,000.00** is to be paid to Council prior to the issue of the first Construction Certificate.~~

***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 2016, the following development contributions are required:***

<b><i>Dwelling Type (number)</i></b>	<b><i>Contribution Rate</i></b>	<b><i>Total</i></b>
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<b>3 Bedroom attached townhouses (30)</b>	<b>\$16,810.28</b>	<b>\$504,308.40</b>
<b>4 Bedroom attached townhouses (7)</b>	<b>\$21981.87</b> <b>(\$20,000 Cap applicable)</b>	<b>\$140,000.00</b>
<b>1 Bedroom Apartment (68)</b>	<b>\$8,029.65</b>	<b>\$546,016.20</b>
<b>2 Bedroom Apartment (130)</b>	<b>\$13,211.47</b>	<b>\$1,717,491.10</b>
<b>3 Bedroom Apartment (18)</b>	<b>\$17,265.80</b>	<b>\$310,784.40</b>
<b>4 Bedroom Apartment (3)</b>	<b>\$13,924.40</b>	<b>\$41,773.20</b>
<b>Grand Total</b>		<b>\$3,260,373.30</b>

**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. **(DA14/080/02)**

38. 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.
39.
  - a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.
  - b) Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
40. Details on the operational mechanical plant and equipment for the buildings is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The report must:
  - a) Identify each item of plant and equipment;
  - b) Demonstrate that:
    - 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 construction);

- ii) that 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 40dB (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
- c) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes when adjusted in accordance with EPA guidelines for tonality, frequency, weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- i) **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 more relevant.
41. Plans and specifications for the storage room and for waste and recyclable materials must meet the requirements of Part 3N.3 of Botany Bay Development Control Plan 2013 and shall be submitted to the Certifying Authority with the application for the Construction Certificate.
- 42.
- a) Prior to the issue of the Construction Certificate for above ground works, the landscape areas shown on the conceptual plans by Oculus as submitted in April 2015 with the amended Development Application, shall be the subject of detailed landscape construction documentation (plans and specifications) that are to be submitted to and approved by the Council’s Landscape Architect.
  - b) The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with BBDCP2013. The detailed, construction level plan shall include, but not be limited to:
    - i) A site plan showing building envelopes, paved areas and areas to be landscaped;
    - ii) A detailed planting plan at 1:100 scale showing all plant locations, groupings and centres. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers/lawn in all landscaped areas;
    - iii) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking;
    - iv) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls;
    - v) Areas of paving, schedule of materials, edge treatments and sectional construction details;

- vi) All external and internal fencing, privacy screening and pergolas – elevations and materials;
  - vii) Details of other landscape elements such as furniture, amenity lighting, artwork and water features. 'Provide sectional construction details and elevations;
  - viii) Planter box on slab sectional details. Planter box depths to be in accordance with BBDCP 2013 and SEPP65;
  - ix) In communal open spaces, soft landscaping is to be maximised and accessways/ dissecting pathways minimised. Provide lawn as well as planted areas, trees for shade and seating;
  - x) A mixture of tree heights and forms shall be used extensively throughout the site – in private courtyards, communal areas and in setbacks using small, medium and large canopy trees ranging in height from 3 to 15 metres. Trees must be of an appropriate scale to complement and ameliorate the development and to pedestrianise landscaped open spaces. Deep soil zones must include larger canopy trees. Setbacks are to include appropriate sized trees to soften the development and integrate it with the streetscape. Trees to be predominantly native, evergreen species using open canopy evergreens or some selected deciduous for solar penetration;
  - xi) Show the location of underground stormwater and rainwater tanks and the like and impact on landscape outcome;
  - xii) Provide landscape furniture and recreational facilities appropriate to the development such as BBQ areas, shelters, seating, playground, water features and the like;
  - xiii) Street setbacks are to be primarily green spaces for the 3 metre setback width. Patios shall be provided in private landscape areas behind townhouses, not in the street frontage;
  - xiv) Planting is to be provided to all ground floor townhouse rear private open spaces;
  - xv) Clearly demonstrate tree survival/growth within the sunken tree pits regarding watering, contaminated soils, potential impacts on tree growth, form and health. Will the planting result in mostly only canopy visible at the podium communal open space level and is this optimal regarding aesthetics, visual surveillance etc;
  - xvi) Large/wide format, deep planters are required on podium to support trees, not linear type planters.
- c) All landscaping shall be installed in accordance with the approved landscape as stamped by Council's Landscape Architect prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

43. Prior to the issue of the relevant Construction Certificate, an amended hydraulics proposal shall be submitted to Council to satisfy the following:

- a) No on-site detention tanks to be located in private townhouse open space due to impact on available space for landscaping;
- b) No detention tanks/rainwater tanks to be located in communal open space areas or deep soil landscape areas as they impede the area available for large canopy trees and landscaping;
- c) An OSD has been located in the at-grade carpark between the residential and commercial components of the re-development, which reduces the carpark tree planting requirements and therefore shade and screening. This inclusion conflicts with the landscaping depicted in the landscape sketches;
- d) A pollution device has been located at the main pedestrian entry and mews off Page Street –to be relocated.

44.

- a) Prior to the issue of the Construction Certificate for above ground works, a public Domain Improvements Plan shall be submitted for approval by Council. The proposal is required to incorporate improvements to the streets surrounding the development, to Simon Walk and public domain areas opposite the site in Page and Holloway Streets.
- b) The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental paving may be required), street tree pit treatments, tree guards, street furniture, in ground landscaping, furniture. The Plan shall be in accordance with Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements and shall be consistent with the landscape drawings.

45. A Construction Management Plan shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed;
- b) The proposed phases of construction works on the site and the expected duration of each construction phase;
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;

- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
  - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
  - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;
  - i) Proposed protection for Council and adjoining properties;
  - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation; and
  - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
46. Prior to the issue of the 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 and/or Roads and Maritime Services) for approval.
- a) The plan shall be prepared by a RMS accredited consultant shall nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer, RMS or the Police.
  - b) The Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
  - c) If required, a public information campaign to inform any road changes must be implemented well in advance of each change. The campaign may be required to be approved by the Traffic Committee.
    - i) 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.
47. Compliance with the following must be shown on the Construction Certificate drawings:
- 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;

- b) For large scale 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) All service vehicles shall enter the property front in front out;
  - d) Swept path analysis shall be provided for manoeuvring of commercial vehicles;
  - e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment;
  - f) Disabled car parking spaces shall be provided and clearly marked as per the Traffic and Parking Impact Assessment Review job ref. 2013/306 by McLaren Traffic Engineering, dated 16 February 2015, Australian Standards AS 2890.6, SEPP 65 RFDC and Council requirements; and
  - g) 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.
48. 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 Certifying Authority. All utilities within the work zone shall be protected during construction.
49. 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.
- 50.
- a) The Ausgrid lighting poles along Page St, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider;
  - b) The Ausgrid lighting poles along Holloway and Green Sts, 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;

- c) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider; and
  - d) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.
  - e) 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.
51. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Page, Holloway and Green Streets adjacent to the development. 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.
  - e) The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority.
- Note:** If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicants expense.
- 52.
- a) 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 Council for approval and to be provided to the Certifying Authority.
  - b) 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.
  - c) The plans shall incorporate but not be limited to the following:

- i) The provisions made in the ~~Concept Stormwater Plan project no. VE-N13-19 by IGS, dated 18 March 2015 Civil Engineering Drawings, Drawings C0-00 to C6-53, Revision 2, dated 27 May 2016; (DA14/080/02)~~
  - ii) 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;
  - iii) 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;
  - iv) 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;
  - v) The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement;
  - vi) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention (OSD) system;
  - d) If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG;
  - e) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site;
  - f) 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
  - g) The submission of detailed calculations including computer modelling where required supporting the proposal.
53. 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.
54. The Construction Certificate drawings shall show the following car parking allocations. ~~This is based on a total of 244 dwellings, as reduced by Condition 2. The total number of residential visitor spaces required on site is 49 spaces.~~ The commercial parking spaces do not form part of this consent.

	<b>Required Spaces</b>
<b>1 space/1 bedroom</b>	68
<b>2 spaces/ 2 bedroom</b>	260
<b>2 spaces/ 3 or 4 bedroom</b>	116
<b>Visitor spaces = 1 space per 5 units</b>	52
<b>TOTAL</b>	<b>496</b>

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. **(DA14/080/02)**

### **DURING WORKS**

55. During construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
  - a) Approved Erosion and Sediment Control Plan;
  - b) Approved Construction Traffic Management Plan;
  - c) Approved Construction Management Plan; and
  - d) Approved Waste Management Plan.
56. In order to ensure that ALL Council street trees in the road reserve adjoining the site are protected during construction, the following is required :
  - a) All TPZ's as well as the entire Council nature strip are a "No-Go" zone. There shall be no access to the property excluding existing crossovers, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer.
  - b) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
  - c) Excavation within the canopy dripline and within an area extending 3 metres outward of the canopy dripline of any street tree shall be carried out manually using hand tools to minimise root damage or disturbance.
  - d) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer after a site inspection so as not to unduly impact or stress the tree.
  - e) Ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless

approval has been granted by Council's Tree Officer under separate application.

- f) The Applicant must ensure a minimum offset of 3 metres between any driveway crossover and street tree. Excavation for the crossover shall be undertaken manually. If major roots are encountered Council's Tree Officer is required to inspect and provide advice.
  - g) Masonry boundary fencing/walls or retaining walls shall be of pierced or bridged construction to minimise damage to major or structural street tree roots. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.
  - h) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new sub-surface utilities or the location of new overhead services within the primary root zone or canopy of any tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.
  - i) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.
  - j) 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 or for trees on private property, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.
57. During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.
58. 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 upon request throughout construction works.
59. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.
60. 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 Freshwater. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.
61. 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 PCA immediately.

62. Council requires an application to discharge water to a Council road or stormwater system. The application must be made in writing to Council estimating volume and number of days involved and must be accompanied by a current dewatering license from the NSW Office of Water. For water 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 Freshwater. 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.
63. The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the site during construction. Any damaged or missing street signs as a consequence of the construction works associated with the development shall be replaced at full cost to the applicant.
- 64.
- a) The Principal Contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:
    - i) The *Soil and Water Management Plan* if required under this consent;
    - ii) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
    - iii) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4<sup>th</sup> Edition” (The Blue Book).
  - b) Where there is any conflict The Blue Book takes precedence.  
Notes:
    - i) The International Erosion Control Association -Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.
    - ii) The “Do it Right On Site,” can be down loaded free of charge from Council’s website at <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm>, further information on sediment control can be obtained from [www.ssroc.nsw.gov.au](http://www.ssroc.nsw.gov.au).
  - c) A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 (POEO Act) without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the POEO Act provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Irrespective of this condition any person occupying the site may be subject to proceedings under the POEO Act where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
65. Throughout the construction period, Council’s warning sign for soil and water management shall be displayed on the most prominent point of the building site,

visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.

66. 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.
67. Existing structures and or services on this and adjoining properties are not endangered during any excavation or construction work associated with the development. 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.
68. As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage.
69. Should the applicant encounter acid sulphate soils during the excavation works, work is to cease and an Acid Sulphate Soils Management Plan (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority prior to the continuance of works. This report shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The report shall provide details of the following:
  - a) Site specific mitigation measures to both minimise the disturbance of acid sulphate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
  - b) Management of ASS affected excavated material;
  - c) Measures taken to neutralise the acidity of any ASS affected material; and
  - d) Run-off control measures for the ASS affected soil.
  - e) A copy of the report shall be submitted to Council. All necessary recommendations of the report shall be implemented prior to the commencement of building works.

70. Planter boxes constructed over podium shall be built in accordance with the following requirements:

- a) Ensure soil depths in accordance with Council's 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.

71. The following must be complied with during construction:

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

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

- 72. No part of the development shall be occupied by any residents, and no Occupation Certificate shall be issued until the required upgrades to the intersections of either Wentworth Avenue and Page Streets or Wentworth Avenue and Baker Street has been completed.
- 73. All works identified in Condition 5 must be implemented prior to the issue of any Occupation Certificate.
- 74. 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.
- 75. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Page, Holloway and Green Streets:
  - a) The camera and its operation shall comply with the following:
  - b) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner;
  - c) 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;
  - d) Distance from the manholes shall be accurately measured, and
  - e) The inspection survey shall be conducted from manhole to manhole.
  - f) The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council for review. Any defect/damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
- 76. Prior to the issue of any 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.

77. Prior to the issue of any Occupation Certificate, the Applicant is to submit payment of a Tree Maintenance Bond of \$25,000.00. The duration of the Bond shall be limited to a period of 12 months after planting of the new street trees and a satisfactory inspection from Council. At the completion of the Bond period the Bond will be refunded pending a satisfactory inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.
78. Prior to the issue of any Occupation Certificate:
- a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
  - b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council prior to the Issue of an Occupation Certificate.
  - c) The contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
79. Prior to the issue of any 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.
80. Prior to the issue of any 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.
  - c) The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.
81. Prior to the issue of any 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 Council within 21 days of the installation of the system and prior to the occupation of the premises.

82. Prior to the issue of any Occupation Certificate, Any electrical kiosk/substation, fire booster assembly or similar utilities must be housed within the external face of the building structure and screened from view from the public domain area. The utilities must be screened by a built screen enclosure and landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to installation.
83. 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 ~~1.59:1~~ **1.65:1** and height of 37.3m AHD as approved under this Development Consent No. 14/080/02 **as modified**, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate. **(DA14/080/02)**
  - c) The development as built, stands within Lot 201 in DP 788578.
84. 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.
85. Prior to the issue of the Occupation Certificate, all letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 Mailboxes and to Australia Post's satisfaction.
- 86.
- a) Residents of this development are not eligible to participate in Council's on-street resident parking scheme. Before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised of this by the owner of the building.
  - b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
  - c) Where a building is to be Strata subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
87. A copy of the Building Management Statement and By-Laws for each of the proposed lots shall be submitted to Council for approval prior to the issue of the Occupation Certificate. The Building Management Statement and By-Laws shall address all conditions associated with the ongoing use of the development of Development Consent No. 14/080 and include:

- 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. 14/080;
  - 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. 14/080;
  - 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 waste sterile, 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;
  - 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 before 12.00 noon;
  - f) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000;
  - g) 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;
  - 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) 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;
  - k) CCTV surveillance of all public areas within the development site; and
88. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the

intercom system shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**CONDIITONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT**

89.

- 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 8, shall be monitored by CCTV cameras at all times;
- d) The approved Waste Management Plan shall be complied with at all times during the on-going use of the site / premises.

90. 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.

91. 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*.

92. The landscape contractor shall be engaged weekly for a minimum period of 13 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.

93. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for twelve (12) after planting. Maintenance includes twice weekly watering to sustain adequate growth, annual feeding, weed removal around the base and maintenance of a 100mm deep mulch ring at all times. Maintenance does not include pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time. This includes existing and new street trees. All pruning work is undertaken by Council only.

94. Ongoing maintenance of the grass/landscaped nature strips that are located outside the property boundaries shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass or plant material in accordance with the approved landscape plan.

95. 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.
96. Any air conditioning units shall comply with the following requirements:
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling;
  - b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
    - i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
    - ii) Before 7 am or after 10 pm on any other day.
  - c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors;
  - d) Any air-conditioning unit shall comply with the City of Botany Bay’s General Noise Criteria detailed in Condition 95 above.
97. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 98.

- a) The base of the lift shaft (ie. lift pit) of the residential apartment building must not be provided with any open drains/substantial penetrations that may significantly compromise the integrity of the pavement; and
  - b) At all times, the maximum lift speed in lift shafts of the residential apartment buildings must not exceeds 1.75m/s as recommended in the Site Audit Statement listed in Condition No. 1.
99. 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. 14/080 dated as 16 April 2014 **and as amended by Section 96(2) Application received by Council 7 June 2016 (Amended DA-14/080/02)** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.